

predecessor died ; also it was found, that albeit the sum charged for and comprised, was more than the sum addebted to the compriser, yet that the comprising and charge for the whole was sustained, ay and while the compriser was completely paid of the sum for the which the comprising was deduced ; which being satisfied, the LORDS found the compriser could seek no more, and that her interest ceased, albeit the suspender remained obliged in much more, which would pertain to the first creditor, or others having the right thereof.

Act. *Hope & Stuart.*Alt. *Nicolson & Primrose.*Clerk, *Gibson.**Fol. Dic: v. i. p. 586. Durie, p. 361.*

No 174.

1630. July 30.

JOHNSTON *against* HOPE.

No 175.

A bond of borrowed money granted by Johnston being desired to be reduced, because it was granted by him, being minor, and to his lesion, and was revoked *intra annos utiles*, and the action foresaid of reduction intended thereupon ; and the defender *alleging*, that it was not reducible, because after his majority he had paid annualrent to the creditor for this sum, whereby he had ratified the same bond ; the LORDS found this allegiance relevant, for payment of the annualrent by him after he was major was found to be a ratification of the bond, which excluded all action of reduction upon minority and lesion, albeit the annualrent was paid for obedience of letters of horning upon that bond, which bore an obligation of annualrent, which the pursuer alleged he had necessity to obey, and that it was not a voluntary act, which was not respected, seeing he might have suspended the charges, which not being done, was a ratification of the bond.

Act. *Lawrie & Taylor.*Alt. *McGill & Gilmore.*Clerk, *Hay.**Durie, p. 537.*

1630. November 16.

MURRAY *against* COCHRAN.

No 176.

IN a suspension of charges upon a bond of 40 merks made to Murray by one Cochran, upon reason of the debtor's minority the time of the subscribing of the bond, he being then within 18 years in his father's house, and subscribing with his umquhile father, with whom he is bound conjunctly and severally, and getting neither benefit of the money alleged borrowed, nor benefit by his father's decease, being a poor young man ; likeas, he has revoked that bond *debito tempore intra annos utiles*, in respect of his lesion ; this reason was not sustained to be received by way of suspension, albeit both betwixt poor parties and

An indigent young man of 18 having signed a bond with his father, revoked *intra annos utiles*. By Durie's report, this was not sustained by way of suspension. By Auchinleck's, the contrary.