

from the date of the modification. The plurality of the Lords thought, it being due, that it drew back even before its liquidation; but the President declared he would hear them first in presence, before it should pass into a decision.

There is a case in *Stair*, 4th Dec. 1675, *Watson*, that compensation is only from the liquidation, see *Dury*, 1st Dec. 1626, *Balbegno*.

The next point reported was, whether the relict's *third* intromitted with by the tutor should not bear annualrent from his receiving it, at least half a year thereafter, as minor's money; the Lords found it had not the benefit of *nummi pupilares*, though it were all lent out in one bond; and that he was only accountable for annualrent, from the time he should depone that he either lent it out, or traded with it.

As to the third point, against Napier the cautioner, (he being also called,) the Lords decerned against him, seeing the tutor was discussed by a registrate horn-ing, unless he condescended upon a farther estate belonging to the tutor.

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1692. *December 7.* WILLIAM SIBALD *against* SIR ALEX. HOME of Renton.

WILLIAM SIBALD, smith in Renton, against Sir Alexander Home of Renton. The Lords repelled Sir Alexander's reasons of advocacy of the poor man's process of ejection, and remitted it back to the Sheriff; and found the Baron's jurisdiction not exclusive of his, and that he could not summarily remove the smith from the croft and acres without a warning.

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1692. *December 7.* MACKBRAIR of Netherwood *against* Roome.

[*See Index to the Decisions, M'Brair against Rome.*]

THE case of Mackbrair of Netherwood and Roome was advised, and the Lords adhered to the former interlocutor; and found Sir Robert Murray might compense his tack-duty with the 10,000 merks, owing by the setter; and though the minor was lesed, and the tripartite contract not fulfilled, yet he had not revoked *debito tempore*; but allowed a probation of what was contained in the Mains of Netherwood, and in the lands of Conhentrig, and how far the one was included in the other, and what was the rent of each of them.

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1692. *December 8.* ROBERTSON *against* ROBERT MALLOCH.

IN Baillie Robertson's son's reduction against Robert Malloch, many of the Lords were convinced that it was an exorbitant profit, first to have L.18 per month, for the use of the brewing-ooms, conform to the officer's decret at Leith,