

3d January, 1679, Daes and Lindsay.) 4to, *Mater vel est locuples, vel pauper.* 5to, *Impensæ factæ vel sunt magnæ, vel tantum parvi momenti.* To which I add, 6to, *Liberi vel sunt infantes, vel infantie proximi,* with whom she could make no paction; *vel sunt puberes, seu pubertati proximi.* 7mo, The children either had means of their own *aliunde*, whereupon they might be sustained, or not.—See Guthrie and M'Karstan's case in 1672, No. 314, *supra*.

Advocates' MS. No. 471, § 3, folio 243.

ANENT COMPRISING.

I HAVE heard it affirmed, that a man may now comprise upon a bond without giving a preceding charge of horning; upon this reason, that an execution of pointing and denunciation is a more solemn intimation to the debtor, and bears also a search for moveables, than a single charge; but the bond must be registrate. However, I think it *humanior sententia* to give him time by a charge, conform to the noble method prescribed in *L. 15. D. de Re Judicata*. In the Roman law, they had *inducias quadrimenstruas ad solvendum judicatum*.

Advocates' MS. No. 471, § 4, folio 244.

ANENT LORDS OF SESSION.

I HAVE heard of an act of sederunt, at least a consuetude, where a Lord of the Session retires upon a demission; because of the character he once bore, he takes place of all that are admitted afterwards on the Session, though they be actually Senators, and he not. This holds where his *missio* is *honestæ vel causaria*, but not if it be *ignominiosa*.—See *Tuldeni Jurisprudentia Extemporalis*, p. 249. See Papon's Arrests, p. 363.; *Codex Fabrianus*, lib. 1. tit. 2. defin. 13. p. 31.; Hope's Collection, tit. Of the Session, fol. 131.; where another place of Faber is cited, viz. lib. 3. tit. 17. *ubi Senatores vel clarissimi*. See *Hippolitus de Marsiliis singul.* 107. See my Observes on the act of Apparel, 1672. *Vide Ægidii Menagii Juris Civilis Amœnitates*, cap. 28.

Advocates' MS. No. 471, § 5, folio 244.

ANENT DISPOSITION to a SON *in familia*.

LANDS disposed to a son *in familia*, or minor, *præsumitur* to be bought and acquired with the father's means, especially if the son be minor; and so the father's creditors may effect the land bought, by a declarator; whereof see the form set down by M'Keinzie, in his Observations on the act of Parliament, 1621, against Bankrupts, p. 174. Hence Antonius Faber, in his famed Codex, p. 413, says, *Pecunia*