

ficient to supply all. Replied, The Lords' letters were ever granted *periculo petentium*; and, if the decret were null of itself, the Lords letters' could not supply the nullity thereof. The Lords found the letters orderly proceeded, notwithstanding of this reason; for, in burghs, they use not to make any citation, but at the dwelling-house from which the party is craved to be removed; and it is customable also there to procure such suppletory letters of the Lords, to be a warrant to cite before them parties dwelling without their jurisdiction.

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1635. December 2. GEORGE HOME *against* LADY HADDINGTON and TENANTS of SLEDGEN.

SIR George Home of Manderston infest his son George in the lands of Slegden. The said George convened the tenants for the mails and duties thereof, and the Lady Haddington, who had uplifted the same from the tenants divers years bygone. Alleged for the Lady Haddington, She could not be countable for the bygone duties to the pursuer, because she meddled therewith by warrant from his father Sir George, who was administrator of the law, for the time, to his son the pursuer, he being then minor; and that for the annual-rent of 3000 merks, addebted to her by the said Sir George, who affirmed himself to have right to the said lands. Replied, No administrator can give right, to any other, of his pupil's estate, and convert it for payment of his own debts, but must employ the same to the good and utility of the minor. The Lords, in respect this was an infestment granted by the father to the son, which was not published that it could come to the defender's knowledge, assoilyied her from the bygones which she had intromitted with *bona fide*.

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1635. December 3. JOHN ROBERTSON *against* DAVID WHITE.

JOHN Robertson, maltman in Dundee, obtained a decret against David White, maltman there, before the Lords, decerning the said David to pay him 26 bolls malt, which he had intromitted with out of a loft of the charger's; whereupon David being charged, suspended, and intented reduction, upon this reason, That the decret proceeded without any lawful probation, in so far as, it being proven by witnesses, the said witnesses did depone falsely, and against the truth; likeas, since their depositions, being accused thereof, they denied that ever they knew the suspender had intromitted with the quantities libelled, as instruments of their confession taken bear. Likeas, the suspender offers to prove that there was no more malt in the charger's loft than eight bolls, which he pointed, and no more; and that by the messenger, comprisers, and other famous witnesses; so, there being great presumption that the witnesses have been suborned, he craved that the witnesses might be re-examined before the decret were put to any further execution. The charger opposed his decret gotten *in foro contradictorio*, and that, if this were sustained, there should no decret be