

time of litiscontestation, only as the defender insisted; but here the disposition was understood to be *ipso jure* null. No 184.

Fol. Dic. v. 1. p. 586. Durie. Auchinleck.

*** This case is No 109. p. 8986.

1637. March 7. VERNOCK against HAMILTON. No 185.

THOUGH curators may be bound *actione curatela* to make up the minor's loss, this does not bar the reduction *ex capite minorennitates et laesionis*.

Fol. Dic. v. 1. p. 586. Durie.

*** This case is No 75. p. 2214, *voce* CITATION.

*** Similar decisions were pronounced, 1st December 1638, Stuart against Stuart, No 138. p. 9008.; and 2d July 1667, Lord Blantyre against Walkinshaw, No 76. p. 2215.

1666. February 16. EARL of WINTON against COUNTESS of WINTON. No 186.

THE Earl of Winton pursues a reduction of an agreement made by his tutors and curators with my Lady, giving her a certain duty for her interest in his coal, as being minor and lesed, in so far as by her contract, she had only right to the fourth part of the coal in his property; now his coal for several years has been in his feuers' lands, by reservation in their rights. And also craved the bygones. It was *answered*, That *bona fide possessor facit fructus consumptos suos*; the Lady by the agreement could not count for the years' duty she had gotten. It was *answered*, That this holds not in the case of minority and lesion. It was *answered*, That albeit minority repones as to any principal right, yet not as to the fruits and accrescences *medio tempore*.

“THE LORDS reduced, but assoilzied the Lady from repetition.”

Fol. Dic. v. 1. p. 586. Stair, v. 1. p. 357.