

the sum was a part of the price of some lands bought by the said Earl, whereof he enjoyed the fruits, especially, seeing it was minor's gear; albeit the Earl pretended that he behoved to have a sentence at the executor's instance, seeing it was confirmed in testament before he could make payment. The Lords found the annualrent due.

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1649. *July 6 and 7.* LADY RENTONE *against* GEORGE STEWART.

IN the suspension above written, Lady Rentone against George Stewart, because of the Laird his wilfulness, who would not let his wife depone, the Lords sustained the bond *per se*; although it was excepted, that the same was null, she being minor *in familia paterna*, where the father was administrator to her, and did not consent, as if it had been given by a minor, having curators, without their consent; was repelled, in respect it was not alike; and the father, John Stewart of Coldingham, his consent was not much worth; likeas, he was in England at that time: *et in rem minoris abundantissime versum*, as is else said; it being notour, that there were lands comprised worth 6000 merks yearly, for the use of her and her sister, all bruiked by the Laird,

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1649. *July 7.* JOHN PETER *against* JOHN BOYDE.

IN the forementioned suspension at John Peter his instance against John Boyde, although the bond had, in the end, the clause "to relieve either of them others *pro rata portione*," yet it supplied not the defect of the words "conjunctly and severally:" but certainly they were bound conjunctly *tantum*; so that either of them should pay the equal half. And, because John Peter his sum was 7000 merks, where Mr Hamilton's was scarce 1000; the clause of relief was proportioned, in the end of the bond, by the clause foresaid.

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1649. *July 7.* TEMPLE *against* MURRAY.

IN the suspension by Temple against Murray, the reason, Offering *ipsa corpora* of so many goods as were to the fore, was repelled, after decreet; and some prior suspensions, where the goods have been partly lost, partly deteriorated. And the letters were found orderly proceeded for the prices contained in the decreet, and large expenses decerned.

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