inhibition as accords. But where he REPLIED, The compriser was satisfied, either because he had intromitted, or might and should have intromitted, seeing he debarred others having right; the Lords FOUND this relevant, and ordained them to count and reckon.

Act. Wallace. *Alt.* Andersone.

Advocates' MS. No. 55, folio 79.

1670. *July* 2. GEORGE MONTEITH *against* GEORGE ACHESONE.

THIS was a pursuit, for making payment of some money contained in a precept drawn on the defender, and accepted by him; as also for sundry other particulars which I do not remember.

Advocates' MS. No. 56, folio 79.

1670. *July* 2. PENNICUIK, Chirurgeon, *against* HAY.

THIS was a charge on a bond. The reason of suspension is, The bond is null; it wants witnesses. ANSWERED, he produces also the suspender's letter, acknowledging the debt. REPLIED, the letter *laborat eodem vitio*, and so cannot prove. DUPLIED, he refers the truth of the subscription to the suspender's oath. This was found relevant.

The second reason is, That as a bond granted by a minor having curators without their consent is null, so a bond granted by a minor *in familia paterna* without his father's consent: but such is this bond. ANSWERED, denies he was minor; *2do, esto*, he had been then minor, he can never be free of this bond, because it is offered to be proven it was granted for medicaments furnished by the charger to the suspender in his sickness.

The Lords assign a term to the suspender to prove he was then minor; and though that were proven yet they will sustain the bond *pro tanto* as shall be proven furnished.

Act. Dinmuire. *Alt.* Yeoman.

Advocates' MS. No. 57, folio 79.

1670. *July* 2. Anent a BOND of PRESENTATION.

ONE being charged to pay a penalty contained in his bond, by which he was obliged either to sist a certain person taken with caption, at such a precise day, or else pay such a sum; because he had failyied in sisting the debtor:—