

charging Balfour of the annualrent only of 4000 merks, as a part of the 7000 merks, by virtue of the assignation made to her by her first husband, was a homologation of the 3000 merks left in the same assignation by her husband to David Corsar his father, and therefore restricted her; though it was alleged that homologations must be explicit and express, especially against women, *in quibus ignorantia juris excusatur*; and that her husband's heir is quarrelling that assignation in a reduction *ex capite lecti*; and if he prevail, then she may recur to her liferent of the whole 7000 merks, seeing it will be then *causa data causa non secuta*. See HUSBAND and WIFE.

Fol. Dic. v. I. p. 383. Fountainhall, v. I. p. 471. & 485.

No 88.

S E C T. IX.

Effect of Homologation.

1671. *January 25.* CRAIG *against* MONCRIEF.

A MINOR having curators, and in his minority having made a bond as principal or cautioner for sums of money, (without their consent,) after his perfect age making payment of the debt or annualrent, or any part thereof, is presumed to have ratified it, and so will not thereafter be heard to impugn it.

Fol. Dic. v. I. p. 383. Haddington, MS. No 2119.

No 89.

1671. *June 28.* HOME *against* LORD JUSTICE CLERK.

A CONTRACT subscribed by a minor, without consent of curators, found homologated by a decret of registration of the contract, obtained by the minor after his majority.

Fol Dic. v. I. p. 383. Stair.

No 90.

* * See this case, No 67. p. 5688.

1672. *December 10.* JAMES MITCHELL *against* MARGARET CUNNINGHAM.

MARGARET being charged to make payment of 500 merks, contained in a bond subscribed by her and her deceased husband, to James Mitchell, did suspend upon this reason, That she had subscribed the bond *stante matrimonia*

No 91.
Payment of
annualrent
after viduity,