1687. *July* 27. ALEXANDER YEOMAN *against* His CURATORS.

ALEXANDER Yeoman gives in a bill, representing, that, though he had an opulent fortune of 100,000 merks, all that his curators allowed him when he was at schools and colleges, was 1000 merks by year; and that now, being within two years of his majority, he was to improve himself in such qualities as suited a gentleman, and resolved to travel abroad; and therefore craved the Lords would authorise his curators to advance him money, keeping within the annual-rent of his stock, for preventing his borrowing of money, or otherwise contracting debt with merchants, &c. who would not refuse him ware; which drives minors to unfrugal courses, against which the *S. C. Macedonianum* was made.

The Lords ordained the curators to give him 2000 merks *per annum* while he staid within the country, and, when he went abroad, 3600 merks; and this act was designed for their warrant. *Vol. I. Page* 471.

1687. *July* 27. SMART *against* HYSLOPS and SIR WILLIAM SHARP.

THE case of Smart in Fisheraw against Hyslops in Mountainhall and Sir William Sharp, being reported by Saline; the Lords sustained the declarator that the bond, granted by umquhile Sir William Sharp to the Hyslops, came in place of a former bond granted by him to their father, and which was assigned by him to them, and was expressly burdened with 500 merks payable by him to the pursuer Smart, his oye, and that therefore it ought to be burdened in the same manner; and therefore declare, and prefer the pursuer, as to the said sum to the creditors of Richard Hyslop, arresters of this debt, being *in grœmio* of Richard's own right. *Vol. I. Page* 471.

1687. *July* 29. The DUKE of HAMILTON *against* WILLIAM LAURIE, Tutor of Blackwood.

DUKE Hamilton (who took up much of the people's time with his causes,) pursues William Laurie, tutor of Blackwood, for his teinds. He ALLEGED, By a contract with the Marchioness of Hamilton, they were rentalled to 40 bolls, and he had obtained a valuation of a sub-committee thereon. ANSWERED, —He bruiked not by that; but, conform to his bond in 1653 to the present Duchess, he had acknowledged that he bruiked by a disposition thereof from Duke William, which he had vitiated.

REPLIED,—Offered to prove, by the Duchess and Duke's oaths of calumny, that this bond was but in trust, to exclude the sequestrators. DUPLIED,—This was *factum alienum* to the Duke, and so he could not depone thereon (not being then married to her;) and he would not suffer his Lady to depone to his prejudice.