

No 25. probation by his oath, there is no law can stay these and the like fatalities. THE LORDS found the reason of reduction relevant.

Auchinleck, MS. p. 131.

. This case, as reported by Spottiswood and Durie, is No 15. p. 5392, *voce* HEIRSHIP MOVEABLES.

No 26. 1628. July 1. FORBES of Gask *against* Laird of PITSLIGO.

FORBES of Gask is obliged, by his bond, to pay to the Laird of Pitsligo 2,400 merks; the bond is registered and the Laird charges for the money. The defender suspends, *alleging*, The Laird of Pitsligo and his curators promised to discharge him of 400 merks of the said sum, and referred the same to the Laird's oath of verity and his curators. It is *alleged* by Pitsligo, That his curators might not depone to his prejudice, and that he was ready to give his own oath. THE LORDS found the reply relevant, and ordained the Laird to give his oath.

Auchinleck, MS. p. 133.

No 27. 1631. December 19. ANDREW FORSYTH *against* JOHN ANDERSON.

A MINOR gives a bond for satisfaction of a decret obtained against his father, to whom he is heir or executor; the minor craves by summons to be restored against his bond. It is *excepted*, That he cannot crave restitution, because by the bond he receives no lesion in respect of the decret obtained against his father for the debt which he must be subject to pay as heir or executor. THE LORDS found he could not be restored, if the debt was certain whereunto he was obliged before the bond, which must be proved *scripto vel juramento*.

Auchinleck, MS. p. 136.

No 28. 1632. July 13. STODART *against* L. COCKILFERRIE.

ONE Stodart having recovered a sentence against Cockilferrie for a sum owing by his bond made thereupon to this Stodart, in his own name, albeit he acknowledged the monies to pertain to ——— his minor, to whom he was curator; and immediately after the decret, the minor becoming major, Cockilferrie obtains a discharge in his majority from him of this sum; and thereupon Stodart suspends and desires to be freed of the sentence obtained by Stodart; which reason and discharge produced was not allowed, but Stodart's decret