

1627. *February 4.* M'MINAIRTE *against* ANDREW COUPAR.

COMPRISING must proceed upon a particular charge to enter heir to the lands which are to be comprised, after sentence be obtained against the apparent heir, for the debt, upon a general charge to enter heir; otherwise the comprising is null.

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1627. *February 8.* SIR ROBERT ——— *against* JANNET KERR.

SUMMONSES for delivery of writs must be continued.

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1627. *February 13.* KNEILLAND *against* BAILLZIE.

THE mother gives up inventory of her husband's gear, and confirms her bairns, being minors, executors. She is pursued as universal intromitrix, and excepts, There are executors confirmed. It is replied, That she has omitted out of the inventory sundry particulars. The Lords, in respect of the reply, repel the exception, and sustain the reply and libel against her as universal intromitrix, if the particulars given in by the pursuers were intromitted with by her before the confirmation; but if after the same, she may add the same to the testament. The reason of this decision is in respect of her fraud, used in the right upgiving of the inventory, and wilful omission against her knowledge and oath.

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1627. *February 14.* GUTHRY *against* GUTHRY.

THE heir of a curator who had intromitted with sums of money pertaining to a minor may be pursued for annualrent of the money intromitted with by him for all terms after the decease of the curator, and while payment be made of the principal sums.

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1627. *February 14.* ——— *against* ———.

A COMPRISING alleged null, because it was deduced upon an heritable bond. This allegiance was not sustained by way of exception; but the excipient is ordained to use reduction.

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