

1628. *March 14.* SIR WILLIAM BALLENDEN *against* JANET MACKMATH.

ANY deed done by a minor, to his enormous hurt and lesion, may be revoked by him at any time before his majority, or *intra quadriennium utile*, after he is major; and, if he die before he be major, he that succeedeth to him, being minor, hath the same privilege: But, if he decease after he is major, and before he be twenty-five years complete, and doth not revoke that deed done by him in his minority, he that succeeds him, being minor, may revoke that deed of his predecessor any time during his minority; but, after he is major, he will not have *quadriennium utile*, as his predecessor would have had, but only as much of it as was resting unrun the time of his predecessor's decease. This was found, 14th March 1628, between Sir William Ballenden and Janet Mackmath: For Sir William, having intented a reduction of a contract made by his father in his minority, and having revoked it upon this ground, that his father was but twenty-four years and two months old when he died, it was lawful for the pursuer to revoke it at any time within the age of twenty-five years; but so it was, that he was but three-and-twenty years old when he raised his summons. The defender was assoilyied, because the pursuer had not revoked within ten months after he was past his majority; which space of ten months was only profitable to him, after his majority, for revoking his father's deed, in respect there was no more resting to his father of his *anni utiles*, the time of his decease. And this was judged conform to the common law. *L. 19, ff. de Minor. 25 annis.*

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Page 300.

1628. *March 15.* LORD BLANTYRE *against* The PARISHONERS of BOTHWELL.

AND this is in favours of debtors, that, where their goods are comprised, their bodies may be free: But a man having comprised his debtor's lands, it will not be ascribed in satisfaction of his debt, so that he shall be holden to renounce all other right, as assignation, &c. that he has of his debtor. As was found between my Lord Blantyre and the parishioners of Bothwell, who, being pursued for spuiliation of their teind-sheaves by my Lord, as assignee thereto, made the Laird of Cleland tacksman thereof. Alleged, That this assignation, being made to my Lord for relief of debts contracted by him for Cleland, was extinct and expired, because my Lord had comprised Cleland's lands for the same. It was found, That my Lord might very well keep both his comprising and his assignation to the teinds, while he were paid of his debts; for, if one of them were unprofitable to him, he might take him to the other.

Page 41.

1628. *March 19.* JAMES RAITH *against* The GOODMAN of BUCKIE.

THE same found as in the case Lindsay against Porteous and Lord Yester, 23d January 1627.

Page 148.