

No 176.

a small sum, in respect that the suspender had not intended *debito tempore intra annos utiles* a summons of restitution *in integrum* to be reponed against the said bond, nor reduction upon the said revocation and minority; and found, that this reason of suspension upon that revocation, albeit done *debito tempore intra annos utiles*, interrupted not.

Act. ———.

Alt. *Nairn*.*Fol. Dic. v. I. p. 585. Durie, p. 539.*

\*\*\* Auchinleck reports this case.

WILLIAM COCHRAN is bound with his father conjunctly to pay John Murray 40 merks, with the annualrent thereof, during the not-payment of the principal. The creditor pursues not the debtor while after his father's decease, and registrates the bond, and charges the defender. He suspends, and *alleges*, that he made revocation *intra annos utiles*. It was *replied*, that a reason of suspension, founded on a naked revocation without reduction, was not relevant.— THE LORDS, in respect of the meanness of the matter, and poverty of the party, sustained the reason of suspension, proving his minority.

*Auchinleck, MS. p. 134.*

No 177.

Reduction of a decree against minors charged to enter heir sustained, though not raised *intra annos utiles*.

1661. July 17. RELICT OF ROBERT FLEMING *against* FORRESTERS.

THE relict of Robert Fleming, Bailie of Edinburgh, as his executrix, charged Forresters, the Bailie's sister's daughters, to pay 1600 merks, due by their father, by bond, and decerned against them, as lawfully charged to enter heirs to him 19 years ago, and now eiked to the Bailie's testament by the charger, whereupon she obtained letters of horning summarily. The suspenders *alleged*, the letters ought to be suspended *simpliciter*, because they offered a renunciation to be heirs. The charger *answered*, *Non relevat post sententiam et tantum temporis intervallum*. The suspender *replied*, They were minors the time of the decret, and that the delay of time was, because their uncle never insisted, and it was like, purposed not to insist. The charged *answered*, They were now majors, and did not reduce *intra annos utiles*.

THE LORDS admitted the renunciation.

*Fol. Dic. v. I. p. 586. Stair, v. I. p. 52.*

No 178.

A reduction on minority and lesion was not sus-

1672. January 25. SIR JAMES RAMSAY *against* MAXWELL.

SIR JAMES RAMSAY having charged Maxwell of Carnsalloch upon a bond granted by him, he suspends and raises reduction; *imo*, Upon minority and le-