

No 10. On its being proved, that Croll knew of the affignation when he took the sub tack :

THE LORDS, 11th June, ' decerned in the removing.'

THE LORDS refused a bill, and adhered.

A&t. *W. Grant & Garden.*

Alt. *Burnett.*

Fol. Dic. v. 3. p. 93. D. Falconer, v. 1. No 263. p. 355.

* * * See The same case, *voce* TACK, from Kilkerran, p. 534.

SECT. III.

Ignorantia Juris.

1663. February 5. CARNAGIE against CRANBURN.

No 11. It does not save from recognition, that the vassal disposed through ignorance of the law, and not by contempt or ingratitude.

Fol. Dic. v. 1. p. 106. Stair, v. 1. p. 172.

* * * See The particulars *voce* SUPERIOR and VASSAL.

No 12.

A relict having confirmed a bond bearing annualrent, and up-lifted a third of it, which she had no right to do, the heir's tutors were found liable for it, *ob negligentiam*, in not pursuing for repetition; and *ignorantia juris* was not sustained as a defence.

1670. January 19.

DOCTOR BALFOUR and ANNA NAPIER, his Spouse, against MR WILLIAM WOOD.

IN a tutor compt, pursued at the Doctor's instance, against the heirs of Mr James Wood, who was tutor-testamentar to the Doctor's wife, there was an article of the charge founded upon bonds bearing annualrent: Against which it was *objected*, That the third of these bonds were confirmed as belonging to the relict by the division of the inventory, and were accordingly intromitted with by her; so that the defender's father not being the giver up of the inventory, but the relict who intromitted, her heirs and executors, could only be pursued; and the confirmed testament ought first to be reduced, and the division thereof found null and against law.—THE LORDS, notwithstanding, did sustain that charge against the defender, and found no necessity to reduce the confirmed testaments, seeing the bonds themselves were produced, which bearing annualrent, were heritable *quoad relictam*; which all the tutors accepting of the office were bound to know. And it was not respected, that the said Mr James Wood, the defender's father, was a Professor of Divinity, and not acquainted with the law, as was alleged.

Fol. Dic. v. 1. p. 106. Gosford, MS. p. 93.