

mitted a Lord, might be allowed to plead for him. The President told him that could not be done, he being now entered on his trials. The Duke contended, that Sir John Gilmore had pleaded for his son-in-law, Sir John Nicolson, after he was President. But that was because he was declined from judging in it; so the cases were not alike. *Vol. I. Page 500.*

1688. *June 13.*—The case of Richard Cunningham, and the Duke of Hamilton, mentioned 14th July 1687, was decided; and the Lords sustained the adminios and presumptions adduced by the Duke, as sufficient to instruct, that either there was no real debt, or, if there was, that it has been paid, or included in posterior bonds and transactions betwixt them.

A bill was given in against this, and the Lords refused it, unless they adduced other qualifications to fortify and astruct the bond, than what were already made use of in the decret.

Thus the Duke did not lose all his causes, as he pretended.

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1688. *June 16.*

It was debated, if bygone annualrents of a sum in a decret, bear annualrent after denunciation, as well as the principal, by the 20th Act 1621. Stair affirms it, *tit. 10, § 75*; and there is a decision for it, *31st January 1663, Carberry*; and, after apprising, annuals bears annuals. Yet some doubt of this, because *anatocismus* is prohibited by law, though annuals may be accumulated by paction into a principal by bond.

*2do, Quæritur* whether a wife be bound to stand to tacks set by her husband of her liferent-lands, not for an elusory duty, but even to the full avail, whereof there are years to run at his death and her entry; seeing a tutor's tack expires with his office, and she may desire to possess the lands herself; and, like a ward, the tack should sleep till it end. See Craig on this point.

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1688. *June 28.* MARY KIRKPATRICK and JAMES HOME *against* SIR ROBERT GRIERSON of LAGG.

THE case of Mary Kirkpatrick and Mr James Home, minister at Kirkmahoe, her husband, against Sir Robert Grierson of Lagg, was debated and advised. John Kirkpatrick being debtor to the said Mary, his sister, in a bond of 2000 merks; and having an infetment for 7000 merks in Jarden of Applegirth's estate, he dispones it to Lagg, on his back-bond, that he had received the said disposition for 2000 merks of debt, which John was owing him, and for security of what farther sums he should pay out for him. Mary inhibits John, her brother, on her bond; after which, Lagg takes a discharge from John of his back-bond, and transacts and acquires a right to sundry others of his debts; and Mary having adjudged her brother's right to the 7000 merks, and pursu-