

cher, and to do some other deed, if the woman marry with his consent, and failing thereof, that the bond for the money, and the other deed to be null;—the woman alleges, That he, whose consent should have been required, made no impediment or declaration of his dissenting to her marriage; which is equivalent to a consent. The Lords found the bond null, except his express consent had been obtained.

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1629. *December 16.* BELTREES *against* SCOTT of THIRLESTOUNE.

A MINOR, against whom decret was given as lawfully charged to enter heir, and, upon letters of caption committed to ward, means himself by supplication, That either he may be put at liberty, or a modification appointed for his entertainment, seeing he had nothing by his father nor his goodsire to succeed to or entertain himself. The Lords ordained him to renounce, and thereafter to be put to liberty.

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1629. *December 17.* The LAIRD of CARNOUSSIE *against* The GUDEMAN of TECHMURIE.

IN a declarator of redemption, he, from whom the reversion is comprised, needs not to be summoned.

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1629. *December 17.* SANDS *against* The BAILIES of CULROSS.

THE father having comprised a tenement in burgh, raised letters to charge the bailies to enter him. Before his entry the father dies; his son, being served general heir, gives in a supplication to the Lords, and obtains thereby new letters to charge the bailies to enter him to the said tenement comprised by the comprising deduced at his father's instance, to whom he was served general heir.

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1629. *December 19.* KINCAID *against* KNEILAND.

A FATHER provided his daughter to an annualrent of £40, out of his land, redeemable upon the sum of 500 merks. After the father's decease, the daughter pursues the heir for £40 for certain years that the same was resting owing. The heir alleges, That he cannot be subjected in payment of more nor 50 merks by year; because the principal sum, for the which the annual is redeemable, is only 500 merks; and, by the Act of Parliament, it is not leisom to take more nor ten for ilk hundred. The Lords found, That the father might provide the daughter to an annualrent, redeemable upon less sum nor effeiring to the said annualrent, which may not be done in borrowed money.

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