

- No 161. THE LORDS decerned the defender to refund to the minor so much as he would have saved, had he been restored *in integrum* against the said decret.
Harcarse, (MINORITY.) No 701. p. 197.
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- No 162. 1682. *March.* MR RUTHVEN *against* SIR ALEXANDER HOPE of Carse's SON.

A MINOR being pursued for payment of his predecessor's debt, to whom he was served heir, he revoked, and raised reduction of the service, and craved he might be free of personal execution.

Alleged for the defender, The pursuer cannot be heard to reduce the service, without restoring the rents intromitted with by him and his curators since his entry.

Answered, Those rents were expended in the payment of debts.

THE LORDS assolizied the defender in respect of the restitution; and here the minor was but eighteen years of age.

Harcarse, (MINORITY.) No 702. p. 198.

- No 163. 1685. *January.* MR JAMES WRIGHT *against* ISOBEL BROWN.

AN heiress who with curators had intromitted with the mails and duties of lands her father died in possession of, being married during her minority, and the husband having continued in possession several years after her majority, and she being pursued by the father's creditors on the passive title *gestio*, she revoked, and raised reduction *intra annos utiles*.

Alleged for the creditors, That she could not be restored, or allowed to renounce, till her intromissions and her husband's were refunded to the creditors.

Answered, The husband's intromission could not be charged upon her; but he must answer for it himself.

Replied, As mails and duties fall under an apparent heir's testament *jure apparentiæ*, so the husband's *jus mariti* is a legal assignation, equivalent to a voluntary right from the wife, and must be purged as her deed before she be restored.

THE LORDS found the reply relevant.

Harcarse, (MINORITY.) No 711. p. 201.

- No 164. 1697. *November 11.* HENDERSON *against* LAFREIS.

IN a reduction of a bond upon minority and lesion, it being *objcted* that the minor, at granting, was a writer, and attendant about the session, and therefore