

S E C T. VIII.

Lesion in taking Legal Steps.

1562. May 14. REIDHEUCH against REIDHEUCH.

GIF ony tutor raisis brevis, and causis the pupill be servit as air to his predecessour, or persewis in judgment ony actioun in the pupillis name, as air, nevertheless the pupill thairefter may refuse and renounce to be air.

Balfour, (HEIRS and SUCCESSORS.) No 19. p. 229.

No 126.

The pupil may renounce, notwithstanding any thing done by his tutors.

1628. June 28. ALEXANDER DRUMMOND against BESSIE LOGAN.

A MINOR being confirmed executor-dative to her father, and the inventory given up by her mother in her minority, is pursued for her father's debts. The minor offers to renounce all debt of the executry; but the pursuer alleged, that she cannot now renounce after confirmation. THE LORDS found she might renounce *rebus integris*.

Fol. Dic. v. 1. p. 582. Auchinleck, MS. p. 131.

No 127.

* * * This case is also reported by Spottiswood :

IN an action pursued by Alexander Drummond against Logan, spouse to Maxwell of Hills, as executrix confirmed to her father, for registration of a bond of her father's, the LORDS found, that, in respect her father's testament dative was given up by her mother, she herself being minor, and that her mother had confirmed her executrix in her minority, and that she had never had any intromission with her father's goods, that therefore she might yet, being minor, renounce to be executrix, *rebus integris*, and therefore assoilzied.

Spottiswood, (EXECUTORS.) p. 122.

1628. January 25. JOHN M'DOUGAL against MARGARET KENNEDY.

JOHN M'DOUGAL having got a bond of 300 merks registrated against Margaret Kennedy, as lawfully charged to enter heir to her father, and afterwards having charged her, she suspended, upon this reason, that she was minor the time of the giving of the decret without curators, and now having chosen them, she desired to be reponed, and consigned a renunciation; which the

No 128.