

geance was also repelled, in respect the tutor is not secluded from his just and lawful pursuit, competent against the pupil; seeing before the intenting of his action, the pupils were furnished by lawful authority, and sentence of a lawful judge, with tutors to defend them, chosen and given them at the suit and desire of their goodsir, on the mother's side; which act of tutory was produced, and the process therefore sustained. *Partibus ut supra*. See TUTOR and PUPIL.

*Fol. Dic. v. 2. p. 56. Durie, p. 56.*

No 93.

1628. February 23. & June 26. DUNBAR against LESLY.

A MINOR suspended a decree upon minority and lesion, and with the bill gave in a renunciation to be heir, but died before discussing. The LORDS sustained the reasons of a reduction repeated with the suspension, at the instance of the cautioner therein, as if the minor had been still alive, though the privilege was pleaded to be personal.

*Fol. Dic. v. 2. p. 79. Durie. Auchinleck. Spottiswood.*

\*\*\* This case is No 15. p. 5392. *voce* HEIRSHIP MOVEABLES, and No 25. p. 8919. *voce* MINOR.

No 94.

1630. February 2. HAMILTON against SHARP.

If a minor once revoke *debito tempore* within the *quadriennium utile*, a singular successor in the lands may at any time thereafter raise a new reduction upon minority and lesion, of an infestment of annualrent granted by the minor upon these lands.

*Fol. Dic. v. 2. p. 79. Durie.*

\*\*\* This case is No 101. p. 8981. *voce* MINOR.

No 95.

1631. March 19. SCOT against DICKSON.

THE LORDS allowed a creditor to purge the failzie incurred upon a *pactum legis commissoriae in pignoribus*, by payment of the money at the bar, as his debtor the reverser himself might have done.

*Fol. Dic. v. 2. p. 80. Durie.*

\*\*\* This case is No 40. p. 7203. *voce* IRRITANCY.

No 96.