

tutor within zeir and day, the tutor dative lauchfullie maid and constitute, and findand and offerand sufficient caution, sould be preferrit to him in the office of tutorie.

No. 55.

*Balfour, p. 117.*


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1575. February 4. THOMAS HUNTER against DUNCAN HUNTER.

The tutor dative is maid and gevin be the King, quha may dispone the samia at his awin plesour to ony persoun be his gift thair of under the quarter seill.

No. 56.

*Balfour, p. 115.*


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1575. December 2. N. KILGOUR in Kirkaldie against N.

Albeit the pupill be air and successour to ony landis or uther rentis to his gudschir on the motheris syde, nevertheles it is not leasum to the said gudschir to give ane tutor testamentar to him, specialli his father beand on life, quha is tutor of law to him.

No. 57.

*Balfour, p. 116.*


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1577. February 5. A. against B.

There was a minor charged to give and discharge upon an obligation or bond, for fulfilling of the which he was lawfully bound to keep and observe: He excepted, that his curators were not charged to that effect, and he, without curators, and being not authorised, had no power to stand in judgment. It was answered to him by the pursuer, that the Lords might give him instantly curators *ad lites* and *ad negotia*. It was found by the Lords, that albeit they might *instante* give him curators *ad lites*, yet they could not give curators *ad negotia*, but conform to the common order and act of Parliament.

No. 58.

Although a curator *ad litem* may be appointed at the Bar, the appointment of a curator *ad negotia* requires the forms prescribed by act of Parliament.

*Colvil MS. p. 263.*


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1583. March. LORD SANQUHAR against CRICHTON.

The Lord Sanquhar desired letters conform to a tack and assedation. Compear- ed one John Crichton, son to the tutor of Sanquhar, and alleged no letters ought to be granted, because he had tacks for terms to run of the said duties, which were the teind-sheaves of the kirk of Kirkconnell, set by the commendator of

No. 59.

The principle of the common law, Tutor *in rem suam auctor*