

1528. *December 6.*ALEXANDER FORESTARE of Costorphine, *against* WILLIAM FORESTARE
His Tutor.

No. 6.

Gif ony tutor deburse and pay of his awin proper gudis, induring the time of his tutorie, to the utilitie and proffeit of his pupill, or to the confirmatioun or reparatioun of his housis, or heritage, as in redeming of wodset landis pertening to the pupill; the pupill being furth of tutorie, or within the age of tutorie, and under ane uther tutor, aucht and sould restore and deliver the samin to his tutor.

*Balfour, p. 120.*1529. *March. 12.*The KING *against* ALEXANDER FORESTAR, PROVEST of CORSTORPHIN.

No. 7.

The narrest agnat and cousing of the fatheris side aucht and sould be lauchfull tutor to the pupill, gif he be of lauchfull age, and immediat to succeid to the pupill, gif it happin him to deceis without airis of his bodie, quhidder the said agnat be ane Abbot or uther ecclesiasticall persoun; the quhilk, be the law and consuetude of this realme, are not secludit fra successioun, and swa consequentlie aucht to be admittit to the office and charge of tutorie; quia ubi est spes et commodum successionis, ibi et onus tutelæ esse debet.

*Balfour, p. 117.*1529. *July 28.*JAMES SANDILANDIS of Calder, *against* EDMUND SINCLAIR.

No. 8.

Gif ony man maryis ane heretrix of landis, haldin be service of ward and releif and thairefter scho deceis, leivand behind hir bairnis gottin betwix thame, male or female, the keiping of the saidis bairnis, beand minoris, and within perfeit age, pertenis to the superiour of the saidis landis; for he aucht and sould have thame deliverit to him, and have thame in his keiping, that he may dispone upon thair mariage; and in this cais he sould be preferrit to thair father, and uther kinnismen or freindis quhatsumever.

*Balfour, p. 338.*1532. *October 21.* The BISCHOP of MURRAY *against* LORD DRUMMOND.

No. 9.

Gif ony persoun has just richt and titill to the mariage of ony air, beand of les age, albeit he have na richt to his ward, he aucht and sould be preferrit to the