

That, as there was no authority to manage the minor's estate, he now prayed the Lords to name him factor *loco curatoris*, and to empower him to lay out money for bringing home the minor.

No 12.

"THE LORDS discharged any further procedure in the action, and appointed the petitioner factor, granting warrant to him to lay out a sum of money for bringing home the minor." See TUTOR AND PUPIL.

Petitioner, *W. Grant.*

D. Falconer, v. 2. No. 156. p. 180.

S E C T. II.

Minor's privileges.—Oath.—Process at a minor's instance to sell land for payment of his debt.—*Privilegiatus contra privilegiatum*.—How far liable for goods and money furnished to him.—And for money borrowed by his tutor.—May chuse the place of his residence.—Entitled to examine the state of his affairs.—Can a minor pupil contract marriage?—Can a minor be a tutor?—An arbiter?—or a Commissioner of Supply?

1548. June 9.

Mr JOHN HENRYSON of —, against JAMES HENRYSON of Fordel.

NA persoun may be ane tutor to ane pupill be the law of this realme, except he be of 25 zeiris compleit; zit nevertheless, albeit he be within the said age, and zit of sufficient judgment, and qualiteis, the King may dispense with him touching his les age; and gif he be tutor of law, the King may charge all persounis that sall happin to pass upon the inqueist for service of the brief of tutorie, to serve him tutor, notwithstanding of his les age; certifying thame, that throw doing of the samin thay sall incur na danger or errour thairthrow.

Fol. Dic. v. 1. p. 576. Balfour, (TUTOR.) No 21. p. 118.

No 13.

The King may dispense with the minority of a tutor in law, and may charge the inquest to serve him notwithstanding the act 51. Parl. 1474.

1558. May 9.

DISHINGTON against HAMILTON.

ANENT the action pursued by Thomas Dishington, tutor testamentar of Andrew —, against Matthew Hamilton for deliverance of the heirs of Andrew to the said Thomas as tutor foresaid, it was desired by the said Matthew, that the said Thomas should produce his title where he was tutor. The said

No 14.

The nomination of a minor to be a tutor is not null, but he may commence his