

1613. June 10. & 11. PATERSON *against* WISHART.

No. 79.

In an action pursued by Thomas Paterson and ——— Wishart of Logiemeghill, the Lords found a judicial act, whereby Logiemeghill became cautioner for relief of James Stewart furth of ward, to be null, because he was minor, and his curators consented not; and thereafter it was alleged, that one of the curators had not found caution;—the Lords sustained the curatory, wherein the the curators made no faith, because they had found caution, which the Lords found to supply the want of the oath.

*Kerse MS. fol. 150.*



1613. July. FORBES *against* BISHOP OF CAITHNESS.

No. 80.

An ordinance of the father in his testament, that his son, being seven years old, should be delivered to his brother to be brought up at school, was found by interlocutor to be a valid tutory testamentar.

*Haddington MS. v. 2. No. 2514.*



1619. December 9. LADY BARR *against* WILLIAM WALLACE.

No. 81.

In an action betwixt the Lady Barr and William Wallace, anent the tutory of Barbara Jamieson, the Lords sustained the tutor, albeit the tutor made no faith.

*Kerse MS. fol. 150.*



1619. July 19. DEWAR *against* DEWAR.

No. 82.

In an action pursued by George Dewar *contra* David Dewar, his tutor, the Lords found, that the tutor could take no assignation of any debt owing by the pupil's father.

*Item,* They found, that the tutor might lawfully pursue for the debt owing to himself, the which debt was given up by the defunct by his own mouth.

*Item,* They found, that because it was declared, in the beginning of the process, that the pupil only pursued, the Lords found, that they would not give place to pursue at the instance of James Crawford, who was partly pursuer from the beginning.

*Kerse MS. fol. 150.*