

of the receipt of £100 sterling, alleged by Sir Alexander Fraser to be upon the back of it. Vol. I. Page 129.

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1681. *February 11.* JAMES ALEXANDER of KINGLASSIE *against* ———.

CASTLEHILL found the messenger's execution on the summons null; because, though it bore "my stamp is affixed," yet there was no stamp appearing there though recently done; and he affirmed the Lords had done the like oftentimes. I think the want of the stamp a nullity in executions of diligence, such as hornings, inhibitions, denunciations of apprisings, &c. but in citations on summons it is *juris strictissimi* to make it a nullity. However, Mr James took up his execution, and offered to make the messenger affix his stamp against the next day, and to abide at it.

Yet in Cardross's case against Sir John Maitland, (22d January 1681,) the Lords refused to allow the messenger to amend it, not being so *ab initio*. See Culross's Pract. in 1579, *Sinclair*. Vol. I. Page 129.

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1681. *February 15.* KATHARINE MITCHELL *against* The CHILDREN of THOMAS LITTLEJOHN.

See the prior parts of this case *supra*, page

The Lords having considered the bill given in by the children of Thomas Littlejohn, and that certification being made in the Outer-house none objected why the desire of it should not be granted; therefore they ordain any party concerned, to give in a list to-morrow, to the Lords, of such persons as they would have to be curators to the minors, out of which the Lords declare they will authorise one to be curator *ad hoc particulare negotium*, viz. to uplift 2500 merks from the debtors, and give a discharge thereof; which sum they are to give to Katharine Mitchell, their father's relict, for her liferent right of 600 merks *per annum*, which was no prejudice to the minors, there being almost as much of bygonies then owing her; but they were not bound to give her money, but only to assign to a third of the moveable estate. *Vide* 10th July 1678.

This is also done where minors have lands to set, and none (for fear of gestion as tutors,) dare meddle for them, and subscribe the tacks with the tenant; the Lords will authorise one for that effect, and it will bind nothing on him; which is also great advantage to minors wanting tutors or curators. *Vide* 17th January 1683, *E. of Leven*. Vol. I. Page 130.

For the numerous other reports of this case, see the Index to the Decisions.

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1676 and 1681. WILLIAM WOOD and WILLIAM SHANKS *against* ALEXANDER MURDOCH.

1676. *December 12.*—ALEXANDER Murdoch having bought a tenement in