

No. 220. 1686. *December.* MARTIN MITTRAY *against* THOMAS GORDON.

In a process of removing a tutor-testamentary as suspect, for that he had not made up inventories conform to act of Parliament,

Alleged for the defender, that the defunct gave up inventory himself of all his estate, which consisted of moveables, and the confirmation of the testament was a sufficient notification to the pupil and his friends of the estate.

The Lords found, That the tutor ought to have given up inventories, &c. but, in respect of the *dubietas juris*, allowed him to purge the *mora* and make inventories before extracting.

*Harcarse, No. 988. p. 279.*

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No. 221. 1687. *January.* CHARTERS *against* M<sup>c</sup>MORRAN.

Found that a curator of a fatuous woman was not liable for the annual-rent of her annuity of £.20,000, neither during her life, nor after her death. It appears that the like will hold in favours of curators concerning annual-rents resting the time of the pupil's majority; though by practise, tutors are liable.

*Harcarse, No. 989. p. 279.*

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No. 222. 1687. *February 5.* LADY NINEWELLS *against* ISOBEL and ESTHER SMITHS.

Found that a right acquired to a defunct's bond before the acquirer became tutor or pro-tutor, &c. to the debtor's son, is not presumed taken to the pupil's behoof.

*Harcarse, No. 990. p. 297.*

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No. 223. 1687. *February 2.* AGNEW of Guldenock *against* SIR ANDREW AGNEW.

Found that a tutor-testamentary, acting as such, made him liable as tutor, though the testament was not confirmed.

*Harcarse, No. 993. p. 280.*

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No. 224. 1687. *November 22.* MR. PATRICK BELL *against* CRAWFURD.

The Lords reduced (without considering lesion) a bond granted by a minor having curators without their consent. The lesion here was apparent; for the