

1696. June 17. JAMES GRAHAM, Petitioner.  
No. 236.

James Graham, a minor, gives in a petition, shewing, he was decerned to grant a disposition in terms of his father's obligation, and, wanting curators, he craved the Lords would authorize his writer to consent with him as his curator. The Lords refused this bill, they only granting curators *ad lites* for managing minors' processes, but not to authorize them in other business; and a minor wanting curators may do the same that one having curators can do, seeing, in both cases, he will be restored, if lesed.

*Fountainhall, v. 1. p. 721.*

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1696. December 17.

The RELICT and CHILDREN of JOHN CLARK, Writer, *against* The BAXTERS of the CANONGATE.

No. 237.

The Baxters of the Canongate were owing the defunct 2000 merks by bond, and being pursued to pay, they object, That, by the father's testament and nomination, he had indeed named his wife sole tutrix to her children, during her viduity, but withal had obliged her to act with the special advice and concurrence of Adam Chrystie and William Wilson; and *ita est*, they refused to consent to the discharge; *2do*, She had not made up inventories, conform to the act of Parliament 1672. Answered to the *first*, She could not force these persons to accept the trust, but they were content so far to countenance the payment as to sign witnesses to the discharge. To the *second*, She was content to make inventories *ante omnia*. The Lords found the tutory did not fall by their refusal, and all that she was obliged to do was to require them, in which case she could validly discharge alone.

*Fountainhall, v. 1. p. 744.*

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1697. November 10.

MUIR of Monkwood *against* CRAWFORD of Newark, His Tutor.

No. 238.

Tutors are liable only from the date of acceptance of the office.

In the count and reckoning, the pursuer charges him with a considerable sum, as the price of some horses, nolt, and sheep, and other stocking his father left on the lands at the time of his decease. Newark, the defender, alleged, The article was not relevant to make him liable to count for the goods, or price, *esto* they were extant at the time of the pupil's father's decease, unless he likewise proves their existence the time of his entry, which was not till a year or two after his father's decease; or else that they were sold to responsal persons, and the price still in