

1545. February 9.      JOHNE FLEMYNGE *against* JOHN DICKSONE.

No. 20.

Ane pupill or minor being fortifyit and authorisit be his father, personallie present in judgment, as guydar, governour and tutor to his sone be the law, may persew or defend ony action pertening to him, notwithstanding that it be objectit that he may not do the samin, he beand ane pupill, without the authoritie or consent of ane tutor or curator; seing na mentioun is maid in the summondis or clame of ather of thame.

*Balfour, p. 119.*

1545. March 22.      A. *against* B.

No. 21.

Curatouris gevin to ane minor, male or female, *ad lites et negotia*, induris and are irrevocabill untill the minor be of xxi. zeiris compleit, (except in the caissis foir-saidis) quhidder the said minor be male or female.

*Balfour, p. 125.*

\* \* See Heriot *against* Liberton, July 1564, *infra h. t.*

1547. January 28.      PATRICK HEPBURNE *against* ELIZABETH KER.

No. 22.

Ane minor havand blanche landis, and also havand ward landis, fallin in the superiour's handis be ressoun of ward, his tutor of the blanche landis aucht on na wayis be ressoun of tutorie to have the keiping of the minor's persoun, because the samin pertenis to the superiour, his donatar or assignay; and the superiour, or ony cled with his richt, is preferrit in this cais to the tutor, albeit he be not narrest to succed to the pupill.

*Balfour, p. 338.*

1547. Feb. 10. 1551. March 22.—1563. Dec. 10.  
ALEXANDER SINCLAIR *against* JONET GORDOUN.

No. 23.

The tutor testamentar, beand man or woman, sould be preferrit to the tutor of law; and thairfoir, gif thair be ane tutor testamentar, the tutor of law has na place; and siclike, the lauchfull tutor, or tutor of law, sould be preferrit to the tutor dative; that gif thair be ony tutor of law lauchfullie, servit and admittit, the tutor dative sould na wayis be admittit.

*Balfour, p. 115.*