

1564. *February 19.* EDWARD SINCLAIR *against* WILLIAM SINCLAIR.

No. 45.

Attour ane woman, beand minor, and havand curatouris, may be callit and persewit without thame, gif scho be cled with ane husband; because quhen ony woman havand curatouris maryis, the office of hir curatouris expyris, and scho is under the powar of hir husband during his life-time; and thairfoir in sic caissis it is sufficient to summound hir, and hir husband for his interesse.

Balfour, p. 125.

1564. *July 26.*

ARCHIBALD MAKNEILL *against* JAMES MACNEILL his Father.

No. 46.

The sone beand minor, and havand contractis or uther busines to be performit for his proffit and weill, betwix him and his father, the quhilk cannot be done without curatouris, he may desire befoir ane Judge, curatouris to be gevin to him, ane or ma, to that effect; because the father, albeit he be curatour be the law to his sone, zit, beand partie, may not be curatour *in rem suam*.

Balfour, p. 124.

* * The like found 3d June, 1561, The Maister of Cathnes *against* The Earl of Cathnes. IBIDEM.

1564. *July.*

GEORGE HERIOT *against* ANDRO LIBERTOUN and WILLIAME THOMSON his Curatouris.

No. 47.

Curatouris beand chosin befoir ane Judge, and gevin to ane minor, and thair-
 efter wastand or destroyand the minoris landis, gudis and geir, or sufferand the
 samin negligentlie to perish or decay, to his heavie hurt and skaith, may be callit
 and persewit be the minor at ony time befoir the ische and out-ryning of thair
 office of curatorie, or thairefter, for the damage and skaith sustenit be him thair-
 throw: Bot gif he wald persew thame befoir his perfyte age of xxi zeiris, he may
 not, without the assistance of uther curatouris, be ressoun of his non-age: Thair-
 foir he may call thame befoir a Judge, to se thame revokit and removit fra all
 farther administratioun, for the cause foirsaid; and the samin beand sufficientlie
 provin, he may revoke the said curatouris chosin be him of befoir, and befoir the
 Judge may choose and elect utheris curatouris in thair places, for guyding and
 reuling of him be thair counsall, assistance, and defence, in quhatsumever his
 actiounis and busines, until his perfyte age of xxi zeiris.

Balfour, p. 124.