

1566. December 12. GEORGE TOURIS against MAGNUS TOURIS.

No. 51.

Ane minor being male, efter the compleit age of xiiij. zeiris, may cheis cura-  
touris, and being within the said age and zeiris, hes na powar to cheis the samin,  
as being zit within tutorie: And gif it happin, at the chesing and electing of the  
saidis curatouris, to be alledgit and objectit, that the said minor hes na powar to  
cheis curatouris, be ressoun he is within the said age; and it be replyit be him, or  
ony in his name, that he has past and compleitlie fulfillit the said age, the samin  
reply sall be admittit to his probation; quia majorem ætatem alleganti incumbit  
probatio.

*Balfour, p. 121.*

1569. January 27.

JAMES SANDILANDIS of Calder against The TENENTIS of N.

No. 52.

A woman may be tutrix testamentar to hir bairnis, sa lang as scho remanis  
wedow: And gif scho beand left be hir husband tutrix testamentar to ony pupill,  
and thairefter maryis, scho tines and forefaultis the office of tutorie: And gif the  
said pupill intentis and persewis ony actioun efter the completing of hir marriage,  
not havand ane uther tutor admittit in the said tutrix place, the defendar hes just  
richt be way of exceptioun to repell him *ab agendo*; because the said tutrix hes  
tint hir office in maner foirsaid, and the persewar, beand pupill, is not lauchfullie  
authorizit be ane tutor.

*Balfour, p. 116.*

1569. December 1. ROBERT BRUCE against WILLIAME BRUCE.

No. 53.

Contract or obligatioun beand maid be ony minor, without consent of his cura-  
touris, he havand tutouris and curatouris at the time of the making thairof, sould  
not be registrat, nor ressave ony executioun aganis him, and the minor may justlie  
alledge, he beand summonit to heir and se the samin registrat, that the samin  
aucht not to be registrat, be ressoun it was not maid be authoritie of his tutoris or  
curatouris, he beand then within the age of xxi zeiris.

*Balfour, p. 124.*

1574. June 1.

CRAIG against JOHNSTON.

No. 54.

A tutor-dative given by the King offering caution in due time before inferior  
Judges should be admittit to the administration, and so preferred to the tutor of

If a tutor in  
law do not