

S E C T. V.

Minor wanting Curators.

No 81. 1610. March 9. KNOLLS, &c. against ———.

IN an action of reduction pursued at the instance of Andrew Knolls, and Patrick Knolls his tutor, and Robert Watson his factor for the tutor, for reduction of a comprising used by umquhile David Menzies burgess of Aberdeen, against the said minor; it was found that the minor was not well authorised, in respect the tutor was absent furth of the country by the space of five years preceding the intenting of the cause, and that the factor could not authorise except he had caution; and sicklike it was found, that the factor having actions against the pupil, might not be heard to insist in the said actions except that he renounced all pleas that he might move to him during his minority.

Kerse, MS. fol. 146.

No 82. 1613. February 25. KER against HAMILTON.

IN an action betwixt the Laird of Ker and Robert Hamilton of ———, the LORDS found an acquittance null by way of exception, being granted by a pupil *sine tutore (qui non habebat tutorem)*, albeit he had possessed many years after the granting thereof.

Kerse, MS. fol. 146.

No 83. 1617. January 23. PATERSON against SANDILANDS.

IN an action of reduction of an inhibition pursued by Thomas Paterson *contra* Mr James Sandilands and his own daughters, the LORDS found process, albeit it was *alleged* that the bairns were minors, and the father could not pursue his own bairns, being *minores, nisi prius petisset iis curatores vel tutores*; and the LORDS found, That the father in *hoc statu causa*, might seek curators to be given.

Kerse, MS. fol. 146.