

1630. *July 2.*PATERSON *against* PATERSON.

No 140.

WHERE, by contract, a party is obliged to grant a reversion, but neither the place nor order is orderly nor particularly set down, the LORDS may appoint what is deficient by the ordinance.

*Fol. Dic. v. I. p. 498. Auchinleck, MS. p. 207.*

1669. *January 7.*

My LORD BALMERINO, Supplicant.

No 141.

MY LORD gave in a bill to the Lords, representing that his uncle was dead, and that he is nearest heir-male to him, in whose favours his estate is provided; and therefore desired that commission might be granted to certain persons in the country to inventory, seal, and secure his charter-chest, and to make patent doors in his houses, coffers, and cabins, for that effect; and to take my Lady, his relict's oath, where the evidents were, to the effect foresaid. Compearance being made for my Lady, desiring a sight of the bill till the next day, and alleging that it was notour to the Lords, that my Lady had a disposition to the whole estate; whereupon resignation had past in Exchequer, and that the evidents ought to be left open, to the effect my Lady may instruct her charter, conform to the disposition,

The Lords, without calling or hearing parties, granted commission to certain noblemen and gentlemen, or any one of them, to inventory, seal, and secure, the evidents of a party deceased, and to open doors, coffers, and cabinets for that effect.

THE LORDS refused to give up the bill, it being their ordinary course to grant such commissions without calling or hearing parties, and that a short delay might prevent the effect of the commission; and therefore granted commission to certain noblemen and gentlemen, or any one of them, to inventory, seal, and secure the evidents, and to open doors, coffers, and cabinets for that effect; but refused to give warrant to take my Lady's oath.

*Stair, v. I. p. 578.*

1675. *June 25:*

TUTOR for the LAIRD of AYTON's Daughter.

No 142.

THE tutor to the daughter of the deceased Laird of Ayton having craved by a bill, that he might be warranted, by an order of the Lords, to set the pupil's lands for less duties than were paid formerly, seeing the former duty could not be gotten,

THE LORDS, though they had granted the like desire in favour of other persons upon bills, thought, upon better consideration, that it was fit to refuse the said bill; seeing, upon such pretences, minors may be wronged by their tutor's authority; and the Lords have only a *jurisdictio contentiosa* in relation to processes or questions depending betwixt parties; but not a voluntary jurisdiction, or power in relation to administration of private estates; and if the tutor's deed