

\*\*\* This case was appealed:

The HOUSE of LORDS, 24th November 1797, ORDERED and ADJUDGED, that the appeal be dismissed, and that the interlocutors therein complained of be affirmed.—See APPENDIX.

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S E C T. XIV.

Acceptance of Tutory.

1668. December 2. SETON of Pitmedden *against* SETON of Minnes.

MR. ALEXANDER SETON, advocate, intended an action of count and reckoning, as heir and executor to his deceased brother, the Laird of Pitmedden, against George Seton, as representing his father, who was one of Pitmedden's tutors, and for proving thereof produced a contract, and some other writs, subscribed by him, wherein he was designed tutor. THE LORDS found, that these did make him liable to count and reckoning, not only for actual intromissions, but for all that he ought and should have intromitted with, notwithstanding it was alleged, that unless there was a nomination or gift of tutorship produced, he could only be liable as to those deeds wherein he did acknowledge himself tutor, and from that time. But they refused to grant process against the defenders until all the rest of the tutor's heirs or executors were called.

No 665.

A writ subscribed by a tutor designing him so, makes him as fully liable as if there were a nomination or gift of tutorship produced.

*Fol. Dic. v. 2. p. 272. Gosford, MS. p. 20.*

\*\*\* Stair's report of this case is No 18. p. 2185., *voce* CITATION.

1714. January 28. WATSON *against* WATSON.

A TUTOR's acceptance found proved by his subscribing inventories of the pupil's means, and judicially producing them by a procurator.

No 666.

*Fol. Dic. v. 2. p. 251. Forbes, MS.*

\*\*\* This case is No 60. p. 3244., *voce* DEATHBED.

Promise of marriage, how proved. *See* Div. I. Sect. 9. *h. t.*

Proof of a living child being born. *See* HUSBAND and WIFE.

Proof of deathbed. *See* DEATHBED.

Proof of reprobator. *See* PROCESS.

Proof of tenor. *See* TENOR.

Writs defective in solemnities, whether relevant to be supported by proof. *See* WRIT.

Insufficiency or latent *vitium* of goods purchased, how relevant to be proved. *See* SALE.

Extract in what cases probative against a challenge of false and forged. *See* IMPROBATION.

Proof of onerosity of a deed. *See* BANKRUPT.

Proof of absconding. *See* BANKRUPT.

Proof to lie *in retentis*. *See* PROCESS.

*See* APPENDIX.