

1534. July 8.

A. against B.

No. 13.

Ane tutor beand negligent in his office of tutorie in sic thingis as concernis the pupillis weil; or zit gif he be unhabill in the administratioun of his office, the pupill may desire befoir ane Judge ane curatour, *tam ad lites, quam ad negotia*, to be adjoinit to his tutor for his help and supplie.

Balfour, p. 118.

1534. July 10.

A. against B.

No. 14.

Ane bastard deceissand, and leivand behind him bairnis lauchfullie gottin of his bodie, beand of les age and pupillis, without ony tutor testamentar, left be thair father to thame, in his testament or latter will, the King may give to thame ane tutor, because thay cannot have ony agnat or kinnisman of the fatheris side.

Balfour, p. 117.

1538. June 27.

A. against B.

No. 15.

Gif ony persoun be bund and oblist as sovertie for ony tutor, for faithfull administratioun in his office, and for compt and rekning to be gevin be him of his intromissoun; the pupill, at his perfyte age, hes gude title and actioun to persew the sovertie for recoverie and redress of all sic thingis, in the quhilk he hes bene damnifyt be his tutor during his tutorie.

Balfour, p. 121.

1540. July 20.

A. against B.

No. 16.

Payment beand maid to the tutor, within the time of tutorie, of debtis, maillis, fermis and dewteis awand to the pupill, the pupill thairefter cumand to perfyte age, hes na actioun to persew the debtour, quha maid payment in maner foirsaid.

Balfour, p. 119.

1541. December 13.

ALEXANDER LESLIE against M. JOHN LESLIE.

No. 17.

Ane beand servit tutor lauchfull, be ane breif to ane pupill, and thairthrow tending to intromet with the pupillis landis, gudis and geir, may be chairgit to find sufficient caution, gif the pupill, or ony uther in his name, meanis thame to the Lordis tharinent; and all and sindrie the tenentis and occupiaris of the pupillis land.

No. 17. is, heritage, takkis, steidingis or possessiounis, and all uther intronettouris with his gudis and geir, and annualrentis, may in like manner be dischargit to answer and obey the said tutor in his office of tutorie, nather pay to him ony of the said pupillis maillis, fermis, dewteis, or utheris gudis, unto the time he find sufficient cautioun and sovertie befoir the Lordis of Counsall, that he sall mak and give to the pupill, being at his perfyte age of fourtene zeiris, just compt, rekning and payment of all gudis, maillis, fermis, proffeitis, and dewteis pertening to the pupill, that he sall happin to intronett with be vertew of his office of tutorie.

Balfour, p. 117.

1542. June 4. LAIRD of LUNDIE *against* LORD INNERMEITH.

No. 18.

The superiour havand the ward and mariage of ony air pertening to him, beand past the age of sevin zeiris, may call and persew the mother, withhalder of the said air, to deliver the said air to him within sax dayis, or ellis to compeir within the samin space, and schaw ane ressonabill cause quhy scho sould not do the samin; the quhilk gif scho failzies to do, letteris sall be direct *simpliciter* to that effect, because in this cais the superiour aucht and sould be preferrit to the mother, tutor, and all uther persounis.

Balfour, p. 337.

* * The like found 16th July, 1531, Pen. July 1532, The Abbot of Aberbrothok *against* Marjorie Forbes. *IBIDEM.*

1542. June 28. ACHANS *against* LIVINGSTON.

No. 19.

The custody of the pupil's person during ward, did of old belong to the superior or his donatar, not to the tutor.

The said day the Laird of Achans, tutor testamentar to the bairns of the Laird of Haining, desired the Lord Livingston to be decerned by decree of the Lords, to deliver to him as tutor foresaid the bairns in keeping. The Lord alleged that the keeping of them to their perfect age pertained to the King, to whom their waird and vicarage pertained, whose Grace had disponed the same to him, and there throw the keeping of the bairns pertained to him, ut habet in regia majestate de hæredum minorum custodia; and conform to this municipal, the Lords decerned the saids bairns and heirs keeping to pertain to the said L. Livingston.

Sinclair MS. p. 87.