

No. 101. 1628. *March 8.* MUIR and THOMSON *against* KINCAID.

Even a bastard may appoint tutors to his lawful children.

In a process at the instance of a pupil, with concurrence of one of three tutors against the other two, either to accept or renounce, the Lords found the pupil sufficiently authorised, and no necessity of curators *ad hanc litem*.

Fol. Dic. v. 2. p. 478 & 481. Durie.

* * * This case is No. 8. p. 1349. *voce* BASTARDY.

No. 102. 1628. *March 18.* *A. against B.*

A tutor may compel the curators to concur in the administration of their office, or else to renounce.

Anchinleck MS. p. 244.

No. 103. 1629. *January 8.* ROBERT GEDDES *against* JAMES DOUSIE.

Tutors may not make assignations of rights or sums of money addebted to their people, albeit they may give discharges upon receipt of sums pertaining to them.

Auchinleck MS. p. 244.

No. 104. 1629: *January 29.* LANDS *against* DOWGLAS and LANDS.

The father, as administrator and tutor to his son, who was heritor of a tenement in Edinburgh, having let a tack for certain years, for payment of a duty yearly therefor to the father, in name of his said son, as tutor and administrator to him, and this tack-duty being assigned by the father to one of his own creditors, for payment of his own debt, which duty being sought by the said assignee, it was found, That the father, as tutor to his son, albeit he might yearly receive the said tack duty, and discharge the tacksman thereof validly, and that the payment to the father would relieve him, yet that he could not assign the same tack-duty to his own creditor, by paying of his own debt with the pupil's goods, and therefore would not sustain the assignation, especially the father being *lapsus bonis*.

Clerk, *Scot.*

Durie, p. 419.