

cepting the office, making faith *de fidei administratione*, and becoming mutual cautioner with the rest; and takes off any anterior informality, if there were any. And, in fortification of the Act, he produces further, a letter of bailiary and factory, signed by him as curator; and these judicial acts do not require the subscription of witnesses thereto. And, as to the testificate, it is noways his age; for it does not design his father of "Netherwood," which it would certainly have done, if it had been he; so it has been another person. And to clear it, his father died in 1657, eighteen months before the date of this baptism; and so it cannot be his age. And, as to the borrowing up the warrants, he was necessitated to that course by the clerk's forgetting to give him a diligence. He acknowledges his claim is very large and extensive, consisting of two branches; one of debts and effects, owing to his father,—and the other, the rents of his lands for several years; the extent whereof he must prove, and they must count for it, seeing his curator, by his duty, either did intromit, or ought and should; though now, by the Act of Parliament 1696, they may be exonerated of omissions. But the law went otherwise before that; and he craved only an account how the same was employed, either in paying debts, alimending him and the family, and other rational depursements.

The Lords found the documents produced sufficiently instructed that Eccles accepted to be curator, and therefore repelled the objection; and ordained them to count and reckon for the estate he shall prove his father left behind him; the Act of Parliament 1672, ordaining tutors to make inventories, being posterior to this act of curatory.

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1711. *January 27.*

JAMES RIDDEL, Petitioner.

JAMES Riddel, writer in Edinburgh, presented a petition to the Lords, bearing, That John Adam, macer, being lately deceased, and who had been admitted conform to a charter of Moncrieff of Reidie, giving him the presentation *unius clavigeri*; which the Lords, by their decret, had explained to be one of the four ordinary macers before the Lords of Session; and that he had got a commission from the tutors of the present Laird of Reidie, being a minor: Therefore, craved the Lords would admit him to the said office, and the fees and emoluments belonging thereto; which the Lords granted, and ministered to him the oaths, seeing none appeared for the Queen and Secretaries' interest to oppose it.

It was thought by some, there might be ground to question Reidie's right, and that the clause in his predecessor's charter might be as reasonably applied to quite another thing: for Reidie dwelling near the palace of Falkland, where our kings of old choosed often to reside, they have had the office of porter and mace-bearer to the King when he staid there: and it is not so probable that the Session-macers were understood by that clause. And, *esto* it had, it was doubted if he behoved to serve *in propria persona*, or if he might put in a depute; but there was no opposition made at this time.

*Vol. II. Page 632.*