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in being by a Minors a less (sic) continuation effectual full resolution
131 General and down woods - (4) He
resonance a wadset right

Stat lib. 2. tit. 9. §. 3. because they are only Administrators of other Men's Affairs: tho' such Acts were no ways prejudicial to the Minor, because the Minor is thereby so far at adole, that he finds himself so long abridged of the free disposal of his own. But Churchmen may set Acts beyond their own Times, albeit they are only simple Administrators and a provision made by a Minor with consent of his Curators, continues effectual after his Majority till it be revoked and discharged by him 12 November 1624

Kaswith contra Kaswith. Tutors or Curators should attempt nothing that hazardous, or big Land with the Minor's Money. Nor can they sell or wadset the Pupils Heretage or heretable Rights, without the Lord's Authority interposed in a Process Carpozov: jurisprind. forens. part. 2. linst. ii. def. 20. Stat. lib. i. tit. 6. §. 8. which is consonant to the civil Law l. 6. l. 12. l. ult. C. de procad. & alijs reb. min. sine decret. For such Alienation or Wadset is ipso jure null. Et ubiunq; prohiberi censetur Alienatio, prohiberi censetur oppignratio: In such a Process the Minor's Creditors and nearest of Kin are called to hear and see: it founds that there is a Necessity to sell some part, and to hear the Price determined. The best Reasons for such Alienation are, 1^o That the Pupils Debts cannot be otherwise purged or satisfied, and his Creditors are pressing, or the swelling of Annuities require present payment l. i. §. 2. l. 5. §. 9. 10. ff. de reb. cor. qui sub lit. vel cur. sine decret. Stat. lib. i. tit. 6. §. 18. 2^o That the sale is necessary for affording Means to the Pupil l. 22. vers. praecipuus C. de admin. tut. Stat. ibid. and no Tutor can for any other cause sell his Minor's Lands, tho' to his Advantage l. 4. C. de reb. Minor. lest under that pretext his Estate should be squandered away. The Lords finding the sale necessary, determine the lowest Price at which the Lands or other heretable Rights are to be sold, after examining Witnesses upon the Rental and Value of Lands sold in the Shire where these lay. Then a Day is appointed on which they should be exposed to publick Roop as in the sale of a Bankrupt Estate. As Tutors cannot alienate their Pupils Lands without a Decreet of the Lords of Session; neither can they cut down a Wood without such Authority interposed Mc henzie Observ. on Act. 48. Part. 6. 2. M. So when a Wood belonging to the Sovereign who was Minor, was to be cut down by the Regent as Tutor, a particular Act of Parliament (Act. 48. Part. 6. 2. M.) was thought fit to be made for his Warrant to do so. But Tutors need not the Authority of a Judge to legitimate the Sale, or burdening of their Pupils Heretage in some Cases as 1^o Where the Pupils Right is under Reversion l. i. C. quando decret. opus non est. This albeit a Tutor cannot at his own Hand sell Land, he may resigne a Wadset Right: because his so doing proceeds ex necessitate contractus, and he may be forced to it. Y^t it is not so safe for the Rovers to take a voluntary Renunciation, seeing even payment made to a Pupil without a Decreet may be quarrell'd unless the Money was right applied to his Use. 2^o A Tutor may without the Warrant of a Judge grant Infeftment in his Pupils Lands, which the Pupils Father stood obliged to grant 15 February 1627 Patoun

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Case another have request in remission
Case a Tutor may receive debts -

contra Cattel: or may sell Land where the father left Orders, under his Hand to do so l. i. §. 2. ff. de reb. cor. qui sub lit. l. 3. C. quando decret. opus non est. Quia licetum est curis rei suae legem dare. But then it is not a sufficient Signi- rant for a Tutor to sell Land, that the Pupils Father had a Design or Inclination to do it in his own Lifetime l. i. §. 3. ff. de reb. cor. qui sub lit. Birenem. Comm. in l. i. l. 3. C. quando decret. op. non est. n. 4.

It is usual in France in Matters of the greatest Importance, such as the Alienation of a Minors Immoveables, and other Affairs of consequence, to assemble before the Judge, either the Persons who are appointed the ordinary Council of the Tutor, or a greater Number of Relations to give their Advice in such Matters which may serve as a Rule to the Tutor, Les Lords have set an Act in this behalf which may serve as a Rule to the Tutor, Les Lords have set an Act in this behalf 2. tit. 1. Sect. 2. pr. Sect. 3. Art. ii.

A Tutor cannot purchase the goods of the Pupil neither directly in his own Name l. 5. §. 2. ff. de autor. & cons. tut. Nor by the Interpositi on of a third Person d. l. 5. §. 3. l. 9. ff. de reb. cor. qui sub lit. For besides that he cannot be Seller and Buyer of the same thing, he might easily cheat and purchase at an undervalue what he had the sale of.

Tutors can do necessary Deeds for their Pupils; and Curators authorize the doing of such by their Minors. Such as 1^o The labouring or setting the Minors Lands and uplifting the Rents thereof. Tutors may set Tacks of their Pupils Lands at the present Rental. And when such Lands had been set at too high a Value, so as Tenants could not be got to pay such a Rent; it hath been ordinary to apply to the Lords of Session for a Warrant to set them at lower Rates, either by a Process against the Pupils nearest of Kin, to hear and see if found and declared, that the Pupils Rents were rack'd above the true Value, and Tenants could not be found to pay such a Rent; or summarily by a Bill. In such a Process, the Lords granted a Commission to certain Gentlemen in the Country, to examine the Rate of the Land and Condition of the Tenants. Upon whose Report, that if so much of the Rent were not given down, the Lands would be laid wadset; and that the Tenants were deep in Arrear; before the Intory, to whom so much behoved to be quit to enable them to pay the rest and to labour the ground: the Lords approved the Report with these Qualifications 1^o That the Tutor should discharge nothing simply but only till the pupillarity was past; the Minor and his Curators might then proceed as they saw cause. 2^o That the Tutor before any Abatement of the Rent, should cause intimate at the Market-town of the jurisdiction, and at the parish Church, that such Lands were to be set at such a place such a Day to the highest Bidders, if sufficient Tenants at which Day if a better offer were not made, the Tutor might then, or thereafter set at the Rates contained in the Commission 5 February 1670 Tutors of Lezean contra nearest of Kin of the Pupil. But upon a Tutors Application by Bill, craving that he might be warranted to set the Pupils Lands for