

11) Can a person effectually prohibit Tutors named by him
 being brought to a Court's authority - [?] Paper usually to
 be challenge added ultra vires unless cannot receive money
 from his Tutors for currency to it.

of the Minor's Money that is in his Hand, tho the Pupils Father should
 in Testament prohibit any Count and Reckoning to be demanded of him l.
 9. l. 20. s. 1. l. 20. s. 4. ff. de lib. leg. And tho Mr Bruce (Tutors Guide
 part 3. tit. 6. s. 58.) thinks, that by our Law such a Prohibition would
 be effectual for the Tutors Exonerations yet that neither seems to labour
 under a Mistake, therein. For if a Father cannot dispence with the
 making Inventories by the Tutor lict. d. Sep. 6. Par. H. W. Neither can
 he dispence with the Tutors accounting for his Intrusions. One
 cannot quarrell his Curators for concurring with him in a Deed, which
 he omitted to revoke and get reduced intra Annos utiles 25 July 1727
 Cuninghame of Entoskin contra his Curators. Because in that Case it
 is presumed, presumptione juris et de jure that he was not lesed; and
 as he could not insist against the Person in whose Favour the Deed
 was granted, neither could he against his Curators who consented to it.

If one of several Tutors or Curators be made to pay the Minor's
 whole Loss, the Tutor or Minor must assign his Right to that Tutor or Cur-
 ator for his Relief against the rest pro rata, deduct in his own Share 11
 Feb. 1630 Gutherie contra Gutherie.

If Tutors & Curators and their Heirs be insolvent the Minors have Action
 against the Cautioners of the Tutors or Curators who are bound for all the
 the Tutors or Curators may chance to owe on Account of their Administra-
 tion, but cannot be sued till after a Dismission of the Tutor for whom they
 are bound Nov. 4. cap. 1. 9 December 1623 lict. Henderson's Cairns
 contra Tutors Stair lib. 1. tit. 17. s. 6. Altho the Executors of a Curators
 Cautioners were deemed for Constitution of the Debt superseding Exe-
 cution till the Curator was fully discharged 20 November 1627 Rolloch
 contra Corfbies. A Cautioner for a Curator constituted by a second Curator
 was liable for the Principal's Intrusions: albeit after a Mi-
 nor has once chosen Curators who accept, he cannot make a new Ele-
 ction before the first be removed lict. 35. Par. 6. L. M. and so the second
 Act was null 5 December 1627 Rolloch contra Corfbies. Because not-
 withstanding it was reducible as labouring under such a Nullity, it could
 not be impugned by the Curators Cautioners who consented to it. If after
 the Tutorship is expired, the Tutor intruded himself into some new Affair
 of the Minor's which was not a necessary Consequence of the Tutorship,
 he who was his Surety will not be answerable for it l. 46. s. 4. ff. de admin.
 et pecun. tut. Among the Sureties of a Tutor we are to reckon those who
 without binding themselves expressly as Surety, have certified that the
 Tutor

tutor is solvent, who ought to answer for him as much as if they were his
 Surety l. 4. in fin. ff. de fidejuss. tut. such with us are Altes tere. By the
 Roman Law if there be ~~several~~ Several Tutors bound for one and the same
 Administration, and one of them hath a Surety, the Other Tutors cannot be
 sued, on, of that Tutor, till after the Dismission of his Surety l. 1. s. 15. ff. de
 tut. & rat. distrab.

It being highly just and reasonable, that ones Office undertaken and mana-
 ged solely for the benefit of another, should not tend to his own loss and
 disadvantage l. 61. s. 5. ff. de furt. And Tutors or Curators often chancing
 to have nothing of the Minor's Effects in their Hands to satisfy any thing
 they might have super expended in the Administration Law hath justly
 introduced contrary ^{or cross} Actions in their Favour against the Minor, as actio
 tutelae contraria to Tutors, and actio utilis curacionis causa contraria to Cu-
 rators. Who, after expiring of their respective Offices, have Action against
 the Minor, to restore and make up to them any profitable Expences laid
 out by them in prosecution of their Trust on the Minor's Account, and
 for the other Consequences of their Administration. I shall briefly run
 over the common Articles of a Tutor or Curators Discharge, or Countercharge,
 which he may or may not claim Allowance or Satisfaction for.

Tutors or Curators may charge the Minor with what Money of their own
 was expended on the Minor's Account bona fide and profitably: or they may
 charge in their Accounts, which a reasonable Administration oblige them
 to lay out l. 3. pr. l. 4. l. 5. ff. de contrav. tut. act. In the Number of which,
 we must reckon the Expences which they have laid out in satisfying his
 Debts, carrying on Law-suits, travelling about his Business by Sea or Land,
 and other incident Charges, alimending and educating the Minor. Nay,
 they ought to get Allowance of, and recover Expences, that were in appear-
 -ance to the Minor's Advantage, tho the Event did not answer Expectation
 l. 3. s. 7. ff. de contrav. tut. act. For they will be reimbursed of Expences in
 the Action, and of other Expences profitable in the Estimate of prudent
 Men, tho by some unforeseen cross Event not attended with Success.

A Tutor got Allowance of Cest Fith and feu-Dutys of Years he counted
 for the Rents of the Lands, upon procuring Declarations from the Chamber-
 -lains of the Titular and Superior, and from the Collector of the Cest, that
 such Cest Fith and feu-Dutys were paid, and finding Caution to relieve
 the Minor thereof, albeit the particular Receipts were not produced
 11 June 1709 Bruce contra Forsyth. The Tutor or Curators Disbursement
 in procuring the Office, will also be sustained as an Article of Discharge.
 If Tutors or Curators have engaged in some Expences having no
 Ground in their Hands either of the Minor's Revenues or his other
 Effects