

- No. 3. insight gudis, bairnis part of geir, and airschip guidis, with all and sindrie commoditeis and proffeitis thairof, and utheris pertening to him, and intronettit with, tane up and ressavit be thame, as tutoris or curatoris, of all zeiris and termis, dayis and times of thair administratioun and office ; and to that effect the time that thay ar constitute tutoris or curatoris, thay aucht and sould find caution for just administration, induring the time of thair office, and for just count and reckoning in manner foirsaid.

*Balfour, p. 120.*

\* \* \* The same found 25th November, 1505, John Grahame against Sir James Scrymgeour, Constable of Dundie. *IBIDEM.*

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1527. *May 22.*

JONET FOREMAN, Relict of Umquhile ALEXANDER OLIPHANT of Kellie, *against*  
JOHNE OLIPHANT of Kellie, Knight.

No. 4.

The cure and keiping of ane air, beand minor, and of all uther minoris, perenis to the mother efter the deceis of thair father, quhill thair age of sevin zeiris compleit ; and the mother in this cais aucht and sould be preferrit to the said minor's guidschir, and to all the rest of his freindis and kinnismen.

*Balfour, p. 336.*

\* \* \* The like found 1st March, 1517, Marjorie Durie against I aird of Dowhill and Lochlevin ; and 4th August, 1516, The King and Tullibardin against the Laird of Wedderburne. *IBIDEM.*

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1528. *October 17.* The KING *against* WALTER OLIPHANT and Others.

No. 5.

Gif the father lauchfullie maryis his sone, and puttis him in the fie of his landis, and thairefter the sone deceisses, leivand behind him ane air, gottin of his bodie, of les age, and within tutorie ; be the law and consuetude of this realme, the said pupill was, the time of his fatheris deceis, in his fatheris powar allanerlie, and be ressoun of his deceis made fre of all fatherlie powar, and on na wayis in the powar of his gudschir, grandschir, or ony utheris his predecessouris zit on life : And thairfoir, gif ony of thame makis and constitutis in thair testament or latter will, ony tutor testamentar to the said air, beand zit pupill, the samin constitutioun, with all that followis thairupon, is of nane availl, force, nor effect, and may be reducit as maid in fraud and prejudice of the tutor of law, and failzeing him of the richt grantit to our Soverane Lord be ressoun of his Crown, in making and geving tutoris dative to pupillis not lauchfullie providit of uther tutoris.

*Balfour, p. 115.*