

No 7. or dumb, or such-like, or in the great inequality of years, as if an old man were offered to a young woman.

Act. *Hope et Scot.*

Alt. *Nicolson, Belsbes, et Cunninghame.*

Clerk, *Scot.*

Fol. Dic. v. 1. p. 132. Durie, p. 28.

* * See This case by Haddington *voce* MARRIAGE (AVAIL OF). See Urquhart against Barclay, No 33. p. 840. where the like was found as to a requisition at the instance of a wadsetter.

1624. February 20.

FAIRNEY *against* AYTON.

No 8.

A MINOR being summoned without citation of his tutors and curators, the LORDS refused to cast the summons, but assigned a day to the minor to get himself authorised with tutors and curators.

Fol. Dic. v. 1. p. 132. Haddington, MS.

* * * See This case *voce* MINOR.

1626. March 8.

E. KINGHORN *against* COLLACE.

No 9.
A father administrator, need not be specially cited; it is sufficient that tutors and curators are cited in general.

IN an action of removing of tenants defenders, pursued at the instance of the Earl of Kinghorn, from the lands and barony of Dods, wherein one called Robert Collace was convened; who being minor the time of his citation, and then having his father living, who was administrator to him of the law; THE LORDS sustained the process, and the summoning of the said minor, being summoned by the principal summons, and executions thereof, with his tutors and curators generally, and they being generally summoned, albeit that his father was not specially summoned by the execution, who was then living, whom the LORDS found needed not to be specially summoned, as said is, seeing the tutors and curators were generally summoned.

Act. *Hope et Rollock.*

Alt. *Aiton et Nairn.*

Clerk, *Gibson.*

Fol. Dic. v. 1. p. 132. Durie, p. 189.

No 10.

A suspension against a minor was sustained, altho' executed against the charger only,

1627. March 1.

BURGESSES OF GLASGOW *against* LO. LORN.

IN a suspension at the instance of the Burgesses of Glasgow against the Lo. Lorn, who had charged the suspenders for payment of the assyse herrings, the LORDS sustained the suspension, albeit it was executed against the charger only, and not against his tutors and curators, he being minor, neither was there any