

\*.\* This case was appealed :

THE HOUSE OF LORDS ORDERED, that the judgment should be reversed.

*See Journals of the House of Lords, v. 18. p. 660.*

No 19.

S E C T. II.

English Act of Curatory.

1624. November 12. NASMYTH *against* NASMYTH.

CURATORS given to a minor in England, were found sufficiently qualified to authorise a minor in a pursuit carried on in Scotland; and the LORDS refused to compel the minor to name curators again; by the law and form of Scotland; and yet an act of curatory is a judicial act, and the curator has his powers from the judge, not from the minor.

No 20.

*Fol. Dic. v. 1. p. 318. Durie.*

*See this case, No 2. p. 4046.*

\*.\* Kerse reports the same case :

Act of curatory of minors, Scotsmen resident in England, sustained to authorise the minors in Scotland, being made according to the custom and laws of England.

*Kerse, MS. fol. 150.*

\*.\* This case is also reported by Spottiswood :

AN act of curatory made and conceived after the form of England, sustained for a sufficient authorization, as if it had been made according to the act of Parliament 1555. C. 35.

*Spottiswood, (TUTOR.) p. 344.*