

sum lent to the tutor was employed for the pupil's behoof. The Lords did prefer the pupil, and found that a tack set by the tutor could not endure longer than his own life, or expiring of his office, unless it were for a cause applied to the pupil's behoof, and that the tutor being obliged was not relieved thereof.

Gosford MS. p. 158.

No. 168.

1671. July 19. SHARP against CRICHTON.

The Lords were of opinion, that a tutor could not warrantably make a sum that was heritable before his tutory, moveable, *ad hunc effectum*, to empower his pupil to testate thereon, in prejudice of his heir; but they did not think but a tutor might have rendered heritable a sum that was moveable before his office, though thereby the pupil would have been incapable to testate thereon.

Harcarse, No. 14. p. 296.

No. 169.

1671. November 18. CASS against ELEIS.

A pro-curator is liable as if he were curator, though there be other curators authorised, and that not only for his intromissions, but his omissions, from the time he begins to act as curator.

Stair.

No. 170.

* * * This case is No. 42. p. 3504. *voce* DILIGENCE.

1672. January 3. CASS against ELLIES.

Found that a tutor intromitting with coal-rent, where there is quotidian *obventu*, in the beginning of that year wherein the minor becomes major, is not obliged to continue his intromission a day after the majority, though it happen between legal terms.

Harcarse, p. 296.

No. 171.

1672. January 3. A against MARQUIS of HUNTLY.

A tenant of the Marquis of Huntly being pursued to remove by him and his curators, excepted upon a tack set by my Lord Middleton, as tutor to the Marquis.

No. 172.