

1737. June 7. NISBET of Dirleton *against* DICKSON His Factor.

No. 5.

MINOR without consent of his curators, cannot revoke a factory granted with their consent.

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1738. December 10. DR WAUCHOPE *against* WAUCHOPE of Niddry.

No. 6

CURATORS or administrators for minors or absents, though indirectly they can alter the minor's or constituent's succession by lending money on heritable security, or by adjudging, yet they cannot do it directly by taking bonds secluding executors without warrant of the minors or constituents; but the minor's knowledge, and not contradicting that management will make it effectual, and such knowledge is proveable by witnesses, 29th January 1738; and thereafter actually found proven, 27th July, (*apud me* 24.) —10th December 1738.

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1739. November 7. MRS JEAN CRAICK *against* ANN NAPIER.

No. 7.

AN assignation by a daughter to her mother, her sole curatrix of certain bonds left her by her father, reserving the granter's liferent and power to alter, was sustained, notwithstanding it was not, nor could be authorized by the curatrix, because it was considered as a settlement of her succession and of the nature of a testament. *Vide inter eosdem voce* EXECUTOR. (See DICT. No. 268. p. 16342.)

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1741. July 1. BLAIR *against* SUTHERLAND of Kinminity.

No. 8.

MINORITY of one of a number of executors confirmed, stops the negative prescription of an executry-debt as to the whole executors.