

with an instruction that they admit the confirmation, as offered ;" altering the interlocutor of Lord Auchinleck.

Act. Ch. Hay. Alt. A. Murray.

1778. *February 14.* ANDREW WELSH *against* JAMES WELSH and OTHERS.

TUTOR AND CURATOR.

Curators removed as suspect.

[*Faculty Collection, VIII. 27; Dictionary, 16,373.*]

COVINGTON. Where there is a wrong, there must be a remedy. Perhaps the pursuer may not have a right to apply to have the curators removed ; but you may declare him free from his cautionary obligation ever since the date of his protest and requisition.

BRAXFIELD. Seeing the case to be as it is, we cannot leave this minor in so bad hands.

KAIMES. I would relieve the cautioner, ordain the curators to find a new cautioner, and, if they do not, remove them.

On the 14th February 1778, " The Lords found the cautioner relieved, from the date of his requisition, appointed the curators to find a new cautioner in ten days, with certification that, if they failed, they should be removed as suspect."

Act. G. Ferguson.

Reporter, Hailes.

1778. *February 18.* JAMES CAMPBELL and OTHERS *against* JANET SOMERVILLE.

BANKRUPT.

A postnuptial Provision by a Husband, *obæratu*s, on his Wife, how far good against Creditors ?

[*Faculty Collection, VIII. 29; Dict. 1000.*]

KAIMES. This liferent is not a provision in a marriage-contract, but a donation revocable at pleasure : it is without an onerous cause, and creditors