



Tutors and Curators Act 1672

1672 CHAPTER 2

Act Concerning Pupils and Minors and their Tutors and Curators

Modifications etc. (not altering text)

- C1** Short title “The Tutors and Curators Act 1672” given by [Statute Law Revision \(Scotland\) Act 1964](#) (c. 80), [Sch. 2](#)
- C2** This Act has not been revised to 1.2.1991. It was repealed with effect from 25.9.1991 by [Age of Legal Capacity \(Scotland\) Act 1991](#) (c. 50, SIF 49:8), s. 10(2), [Sch. 2](#). It is available as last published in Statutes in Force (revised to 31.12.1974).
- C3** This Act is listed in 12mo edition as {[1672 c. 2](#)}.

Our Sovereigne Lord Considering the great prejudice and inconvenience befalling to pupills and others who cannot provide for or defend themselvis That their Tutors or Curators have immediat access to their Charter-Chests writes Evidents and securities of their lands sumes of money and others belonging to them which they may imbezle suppress or by collusion give vp to their debtors or vther pairties interested without just satisfaction Or otherwise having gotten satisfaction their is noe mean by which a charge can be maid vp against the saids Tutors and Curators but themselvis when they are brought to ane accompt make both their owne charge and discharge And incase of their decease they who succed to them for the most pairt can have no charge maid vp against them at all For Remeid Wherof His Majestie with advice and consent of his Estates of Parliament Statuts Ordaines and Declaires that no Tutor or Curator of any Pupil Minor Idiot or furious persone to be named or designed in any tyme comeing or who is not actually Stated and entered in the said office shall have power or authoritie to exercise the said office of Tutor or Curator or to meddle with the writes Evidents Meanes and Estates of the saids Pupills Minors Idiots or furious persones untill first ane Inventar be maid vp in maner aftirspecefeit by the saids Tutors and Curators with advice and consent of the neirest of kin on the fathers side and the neirest of kin on the mothers side who shall be Majors and within the Kingdome for the tyme Which Inventar shall be subscryved by the saids tutors and curators and the saids neirest of kin and one subscryved double therof keiped by the saids Tutors and Curators another by the neirest of kin on the fathers side and the thrid by the neirest of kin on the mothers side All which subscribed duplicats shall be judicialle produced befor the judge ordinar of the place

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where the Pupill Minor Idiot or furious persone their cheiff residence is And ane act maid vpon production therof Beiring the production of the Inventar and expressing the names of the persones subscribers therof and in whose custodie the same are left and that the duplicats be also subscribed be the Clerk of Court that they may not be altered thereafter And in case the neirest of kin on both sides will not concurr in makeing vp the Inventar in maner forsaid the saids Tutors and Curators shall raise summonds at their instance befor the saids judges ordinar respective for sumonding the neirest of kin that are Majors and within the Countrey vpon either side for decerning them to concurr in makeing vp of the said Inventar in maner forsaid And in case they Compeir not or doe not concurr as said is With certification the said Inventar shall be maid vp by the said Tutor or Curator with advice and consent of the Judge Ordinar Or any whome he shall delegate or appoint who shall subscribe three duplicats of the said Inventar with the saids tutors or Curators Whervpon a Judiciall act shall be maid and the Duplicats subscryved by the Clerk in the same maner as if the neirest of kin had concurred and a Duplicat therof shall be keiped by the saids tutors and curators and the vther tuo Duplicats shall remain in the Clerks hands to be delivered to the neirest of kin on the father and mothers side being closed vp and sealed by the saids Tutors or Curators and the persone Delegat for making the said Inventar as said is Which Inventar shall contein the names and designations of the lands belonging to the pupills Minors and vthers forsaid and the Bands Compts and tickets due to them and soumes therincontained and their moveables als weill heirshipe moveables as vther moveables And incase that thereafter any vther lands debts soumes of money or vther goods and geir whatsoever belonging or that may happin to belonge to the saids pupills Minors Idiots or furious persones shall come to the knowledge of the saids Tutors or Curators soe that they may attaine to the possessioun therof In that case and within the space of two moneths aftir they attaine to the possessioun of the samine They shall eike the same to the forsaid Inventar and make a judiciall Act thervpon in the hands of the Clerk of Court where the principall Inventar was maid and shall leave two duplicats of the said eik or eikes one or moe sealed as said is in the hands of the said Clerk for the vse of the neirest of kin as said is And It is heirby further Declaired That the Debtors of the pupils Minors Idiots or furious persones shall not be obleidged to make payment to the Tutors or Curators of the saids persones of any soumes due by them vnless the said Tutor or Curator show to the saids debtors that the soumes or goods demanded from them are contained in the saids Inventars or eeks subscribed by the saids neirest of kin or by the Clerk of Court in maner respective forsaid And It is heirby further Declaired that if the saids Tutors or Curators shall faillye in making vp the saids Inventars and Eikes in maner abovewritten They shall be lyable both for intromission and omissioun and shall have no allowance or defalcation of the charges and expenses waired out be them in the affaires of the saids Pupills Minors Idiots or furious persones and shall be removeable from their office as suspect Tutors and Curators if they fail in making vp the Eiks from tyme to tyme in maner forsaid It is alwise heirby Declaired that this act shall not prejudice Pupills Minors and vthers persones afoirsaid to charge their Tutors or Curators with what it can be maid appear they have intrometted or might have intrometted with over and above what is contained in the Inventar And ffurther His Maiestie with advice and consent forsaid Statuts and Ordaines That all Giftes of Tutorie that shall be granted heirafter by his Maiestie or his Exchequer shall proceed vpon citation of the minors neirest of kin on both sides at the instance of the Cravers of the saids gifts That they may be hard if they have any thing to say against the persone to whome the gift is to be granted or vpon consent first obtained therto vnder the hands of the said neirest of kin And Ordaines that the said Gifts shall beir expressly that the neirest of kin wer cited or consented to the passing of the said Gifts Certifying all who shall procure giftes of Tutorie or Curatory forsaid without citation or consent of the saids neirest of kin or where the samine is not expresly mentioned therein that these gifts shall be Declaired null and void be way of exceptioun or action at the instance of any

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persone who shall obtaine a gift of the saids Tutorie or Curatorie Conforme to the tennor
of this present act

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