

1743. *November 8.*

MR MURRAY of Cringletie's Son, Keeper of the Minute-Book.

No. 9.

MINOR getting the Crown's commission to be Keeper of the Minute-Book, we refused to admit him because of his minority, 10th February 1742. After he was major he again presented it, and since the Crown had not given a commission to any other, he was admitted, though some thought that commission void and null, and that a new one was necessary. *Vide PUBLIC OFFICER.*

1744. *January 27.*

CURATORS of MISS MURRAY *against* MISS MURRAY.

No. 10.

WHETHER in any case a Court of equity can interpose where a minor refuses to concur with his curators in acts of administration that they think reasonable, was doubted. The President thought in some cases they might; but in a complaint by the curators of Miss Murray for her refusing to appoint a factor, and which we would not order, but allowed her to answer if she thought fit, and which she did answer, the Lords refused to interpose, and refused the petition. (See DICT. No. 42. p. 8930, and No. 276. p. 16349.)

1744. *February 14.* CRICHTON *against* E. KILMARNOCK.

No. 11.

CLOTHES and other necessaries being taken off to a minor by his mother, who had a yearly allowance from his curators for his aliment, clothes, &c.; the minor not found liable to the merchant for these furnishings.

1749. *May 11.* CREDITORS of KENMINNITY *against* The HEIR.

No. 12.

DECREETS of constitution and adjudication being obtained against a minor apparent-heir for not renouncing, adjudging *inter alia* an estate wherein his father never was entered, but was apparent-heir, and possessed more than three years; and the minor pursuing reduction and producing a renunciation, Lord Justice Clerk (Tinwald) sustained the adjudication as to those lands, whereof the father had been in possession three years, because of the act 1695, whereby the minor could not pass by him and serve to a

No. 12. remoter predecessor without incurring the passive title, but not as to lands not possessed by him but by a liferentrix; but on a reclaiming bill we altered and restored him against the constitutions, and sustained them only as decreets *cognitionis causa*, 24th November 1748. But this was reversed in Parliament, and the Ordinary's interlocutor affirmed; and Lord Advocate told me, it was upon the general point that when the last apparent-heir, the debtor, was three years in possession, the next apparent-heir is liable in the same manner as if the debtor had been infest if he possesses, whether he passes him by and serves to a remoter predecessor or not; and that the Lords meant to extend the act 1695 farther than we thought we could do, and farther than we did in the cases of Lord Banff, &c. *Vide* PASSIVE TITLE.

Whether by the act 1617 minority must be deducted out of the positive prescription as well as the negative? long argued but not decided, the Court being much divided, in the case of Elliot against Elliot, 10th November 1749, *voce* PRESCRIPTION.

See Case of Sir John Dalrymple, 14th July 1737, and that of Ged, 5th December 1740, *voce* PRESCRIPTION.

See Case of Ramsay of Wylliecleugh, 7th December 1736, *voce* ADJUDICATION.

See NOTES.