

1710. July 11.

MR ROBERT DUNBAR of Myreland, and other Tutors of Sir ROBERT GORDON of Gordonston, Supplicants.

No 10.

A pupil whose tutors were appointed in terms of the act 1696 to continue curators, not allowed to be sequestrated some days before his pupillarity expired, to prevent his being influenced in the election of curators, unless these tutors would positively renounce to be curators.

ALBEIT the Lords are in use to sequestrate a pupil some days before his pupillarity expires, to prevent his being influenced to his prejudice, in the election of his curators; yet they refused, upon the application of Myreland and other tutors of Sir Robert Gordon of Gordonston, to sequestrate Sir Robert any days before expiring of their tutory; in respect the tutors were appointed by the pupil's father, in the terms of the act 8th Parl. 1696, to continue curators; unless these would positively renounce to be curators. Albeit it was *alleged* for them, That they were not bound to declare their mind in that matter, till the ish of their office of tutory; but probably they would decline to be curators; and then the pupil would be in the same case as if he had no curators named; therefore he ought to be sequestrated some days before he go out of his pupillarity, to qualify him for making a good choice of curators in the event of the nominees refusing to accept.

Forbes, p. 419.

1747. January 27.

THOMSON against KER.

No 11.

A minor may be imprisoned on a decree for debt.

EDWARD KER having obtained a decree against Katharine Thomson while pupil *et indefensa*, soon after her pupillarity he charged her thereon; and, on a caption, imprisoned her in the tolbooth of Edinburgh.

In the suspension and reduction of this decree, and action of damages therewith conjoined, the question only turned upon the formality of the decree and regularity of the extract; but supposing the decree regular, it was no part of the complaint, nor thought illegal that the imprisonment was of a minor. Nay, it would rather appear from the act 41st, Sess. 6th, Parl. 1st, of King William, that before that act, even minors under pupillarity might have been imprisoned for a civil cause.

Fol. Dic. v. 4. p. 3. Kilkerran, (MINOR.) No 6. p. 348.

No 12.

Power competent to the Lords, in case of undue influence on a minor in the election of his curators.

1750. July 29.

BOWER, Complainer.

BOWER of Kincaldrum settled his estate, failing heirs of his own body, upon Alexander Bower eldest son of Bower of Easter Methney, and the heirs-male of his body; whom failing, upon Patrick Bower, eldest son to Bower of Kinnettles, &c.