they might consider the first point, and order Mr Murray to appear that day to condescend upon his age.—27th January 1742.

THIS commission, which is mentioned *supra*, 27th January, was under consideration this day fortnight, when both President and Arniston seemed to think the first objection good, though we had no statute vesting the nomination of this officer in the Register. Arniston was clear, and the President was positive, that in England it would be good, because it would be looked on as part of the Constitution; but at the President's entreaty Arniston dropped the objection. As to the second, Mr Murray was called, and ordered to give an account of his age against this day, when he gave in a petition showing why we should not enquire into his age, there being no law that required majority, and Advocates and Notaries were admitted under age, and the Interim-Keeper that the Court has appointed is yet under age. We refused the petition; but ordered the present Interim-Keeper to attend at 12 o'clock;—and 7th February we removed the Interim-Clerk, having appointed another,—10th February 1742.

MR MURRAY'S commission being refused 10th February 1742, as under age, he being now of age, presented his commission again. Arniston thought the commission void, and there needed a new commission, which occasioned his presenting a memorial, and it carried to admit him, *renit.* Arniston *et* Balmerino. I thought that it was the general sense of the country, and in consequence thereof very often persons in office take now conjunct-commission to themselves and their children.

No. 10. 1744, Jan. 27. CURATORS OF MISS MURRAY *against* MISS MURRAY.

THOSE curators complained that Miss Murray refused to concur with them in appointing a factor with very large powers. We would not order the minor to answer, but allowed her to answer if she thought fit, and which she did, and told us she was very willing to name a factor, but told us some reasons why she declined to grant a *factory either* to that person, or in so large terms, and told us she doubted if we could interpose betwixt a minor and her curators. The President thought that cases might be figured wherein the necessity of the thing would give us jurisdiction. Arniston seemed to think as I did, that as in no case we can compel a minor to choose curators, neither can we, after they are chosen, compel her to any deeds but what she herself thinks proper. But we all agreed not to interpose in this case, and that there was no cause for it;—and therefore in general refused the desire of the petition.

No. 11. 1744, Feb. 14. (1734.) CRICHTON *against* E. KILMARNOCK.

THE Lords sustained the defence on the allowance to my Lady the mother.

No. 12. 1749, May 11. CREDITORS OF KINMINNITY *against* THE HEIR.

KINMINNITY'S father was apparent-heir of Clyne, and possessed more than three years. After his death, some of his creditors obtained decreets of constitution against his infant son, for not producing a renunciation; whereas they renounced to other creditors,

who therefore got only decreets *cognitionis causa*. Both obtained adjudications, and the first on their constitutions included these lands of Clyne, wherein the infant is apparent-heir. The heir raised reduction, and produced a renunciation, and Tinwald, (now Justice-Clerk) reduced, except as to the lands whereof the father was three years in possession;—and he reclaimed to us; and we restored him, and sustained the adjudications only as if they were *cognitionis causa*. But this was reversed in Parliament, and the Ordinary's interlocutor affirmed.

MINOR NON TENETUR PLACITARE.

No. 1. 1735, Feb. 5. INVERCAULD *against* FARQUHARSON.

THE Lords found that the defender had the privilege, *minor non tenetur placitare*, with regard to Reinlivig as well as Stronine, in so far as the defender's right by his original feu charter goes upon the lands of Stronine; but we found that that right was only a right of servitude and could not hinder the pursuer from declaring the property notwithstanding of Kirie of Gogar's tolerance, which was only personal.

No. 2. 1744, June 26. DOUGLAS *against* ANDREW INGLIS.

PATRICK INGLIS was infeft on his father's disposition held base, (the father having as was said no other right than adjudication,) and having gone to the West Indies contracted to his elder brother a debt of L.550, and granted him an heritable bond, and also granted him a factory, and died in the West Indies, worth (as was said) upwards of L.2000, leaving an infant son. During his life Inglis uplifted the rents upon the factory, but after his death uplifted upon the assignation to maills and duties. Douglas of Houseside pretending to be superior, and also to have a right of reversion, raised reduction and improbation, declarator on non-entry, and of redemption; and the infant son pleaded his minority, and that *non tenetur placitare*; which we sustained on the 15th as to reduction, but repelled it as to non-entry. A reclaiming bill was presented against the first part, for that the minor was not in possession, which we this day refused and adhered.

No. 3. 1749, (Jan.) Feb. 13. KATHARINE CRAIG *against* STRANG.

AN improper wadset being attended with an irritancy if not redeemed in 1701, the wadsetter got into possession in 1705. The reverser pursued a redemption against the heir of the wadsetter a minor who pleaded, not redeemable, 2dly, *minor non tenetur*. The Ordinary repelled the last, but was to hear them on the other. On a reclaiming bill we thought that the right being *ex facie* irredeemable, the minor had the privilege, and at the Ordinary's desire we remitted back to him, who altered his interlocutor, and on a reclaiming bill 24th June 1748 we adhered;—and 13th January 1749 again adhered.