

SECT. V.

Parents liable for Furnishings to their Children.—In what cases the Children liable.—*Qui in funus impendit.*

ANDERSON *against* CRAIG.

No 27.

A YOUNG woman being pursued by a merchant, for furnishings in her father's time, will be assoilzied although she be major, *quia filia erat in potestate paterna*; and so the father's executors must be debtors, or otherwise, if the merchants furnish by the father's command, *imputetur illi.*

Fol. Dic. v. 2. p. 320. Appendix to Pitmedden's Copy of Colvil, p. 72.

1623. February 22.

LAMB *against* TWEEDIE

No 28.

IN an action pursued by one Lamb against Tweedie, for payment of the prices of certain merchandises, furnished by the pursuer to him for his clothes, and habuiziments of his body, and others his necessaries, the particulars of which furnishing was referred to the defender's oath *simpliciter*, the LORDS would not sustain this action, because the same was moved and intented for furnishing of clothes made to the defender, being then minor, *et in familia paterna*, his father, at the alleged time of the furnishing, and before, being in use to take off to the defender, and to provide him of such necessaries as were contained in the summons; so that the pursuer could not of the law have any competent action against the minor therefor, but ought to pursue his father for the same *prout de jure*, but ordained the use of furnishing alleged made by the father to be proved.

Clerk, *Scot.*

Fol. Dic. v. 2. p. 320. Durie, p. 50.

* * * Haddington reports this case:

IN an action pursued by Lamb officer, assignee to Lamb merchant, against Mr James Tweedie, son to ———, for a sum of money contained in Lamb's account book, for clothes and other furnishings made to the defender, the LORDS admitted the defender's exception, that he being minor, *in familia et potestate paterna*, furnished of meat, cloathing, and necessaries by his father, according to his estate, could not validly bind himself for furnishing to a merchant, during his minority.

Haddington, MS. No 2776.