

entitled to repetition *condictione indebiti*. Law doth not distinguish between minors married and unmarried, seeing marriage doth not always bring prudence along. And if the suspender be forisfamiated, he is so without a portion, having got nothing to this day from his father, as a separate mean of subsistence by himself.

THE LORDS sustained the reason of reduction upon minority and lesion.

*Fol. Dic. v. 1. p. 585. Forbes, p. 477.*

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No 166.

1724. July.

WALL against BROWNLEE.

A minor having become signed cautioner to a deed without consent of curators, the LORDS sustained the nullity, though it was offered to be proved, that at the time of signing, he was habit and repute major, kept shop, was married, and had public trade for some time before he became cautioner. See APPENDIX.

*Fol. Dic. v. 1. p. 585.*

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No 167.

1731. January 15.

CAMPBELL against LORD LOVAT.

A bond granted by a minor, without consent of his father, administrator-in-law, was found void and null, though, at that time, he was *majorennitati proximus*, and had a commission in the army. See APPENDIX.

*Fol. Dic. v. 1. p. 585.*

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No 168.

1732. July 5.

CRAIG against GRANT.

A bill being challenged as granted in minority, the LORDS found it relevant to sustain the bill, that the acceptor was bred a wright, and was trading at the time of accepting it. For drawing and accepting of bills of exchange is of itself a branch of trade. The money must be presumed advanced *in artis suæ vel mercaturæ exercitio*. If this presumption be not sustained, a minor merchant cannot deal otherwise than by ready money, which, in effect, is saying, a minor cannot be a merchant. See APPENDIX.

*Fol. Dic. v. 1. p. 585.*

No 169.