

No 40. 1738. February 17. CAMPBELL against Sir JAMES CAMPBELL.

A minor, past the years of pupillarity, brought a process before the Court of Session, to obtain the Lords' authority for selling part of his estate for payment of his debts. The difficulty was, that an action of this nature is competent only to a pupil and his tutors, who cannot sell without such authority, but that a minor, with or without curators, may dispose of his estate without any authority. THE LORDS repelled the objection, and found process competent at the instance of a minor, in the same way and manner as at the instance of a pupil. See APPENDIX.

Fol. Dic. v. 1. p. 580.

1741. July 25. MARSHAL against M'DOUAL.

No 41.
A minor has
the choice of
the place of
his residence.

A minor differing with her curators about the place of her residence, and extent of the sum to be allowed for her aliment, brought a process against them, in which the LORDS found, "That she had the choice of the place of her residence, and modified a sum certain to be paid by the curators to the person with whom the minor should chuse to reside, as her board for a year, and a distinct sum certain to be paid to the same person for her schools and cloathing; but that an account of said last sum should be made to the curators."

Fol. Dic. v. 4. p. 9. Kilkerran, (MINOR.) No 5. p. 348.

No 42. 1744. January 27. LORD DRUMMORE against Miss MURRAY.

LORD DRUMMORE, Sir John Baird, and others, being named curators to Miss Murray, by her father, desired her to sign a factory, which she refused, on the ground, that her curators concealed from her the state of her affairs, for which reason she declined to concur with them in any deed. The curators gave in a complaint to the Lords, praying, that they might be authorised to act without her. *Answered, 1mo*, The LORDS cannot even give curators to a minor, contrary to her inclination, much less authorise curators to act without the minor's consent, nor was this demand authorised by the law of any country. *2do*, The minor had a right to know the state of her affairs; and from the circumstances of the case, the demand made by the curators concerning the signing of the factory, was unjust and unreasonable. THE LORDS unanimously refused the desire of the petition. See APPENDIX.

Fol. Dic. v. 4. p. 2.