

1782. July 4. Reverend Mr ROBERT ARNOT *against* OLIVER MELVILLE.

MINOR.

A slight act of homologation, occasioned by the influence of a father, and only a few days posterior to minority, not sufficient to bar *restitutio in integrum*.

[*Faculty Collection, IX. 80; Dict. 8998.*]

BRAXFIELD. If a minor does bind himself after majority, he must pay; but we ought to be cautious not to enlarge the obligation. The original obligations were taken from him when he was several years under majority; and, just after his majority, he agreed in signing a state of sums due, but he did not renounce the power of revoking.

MONBODDO. The ratification, in order to be good, must be formal; but this ratification is not.

KAIMES. I do not see that Oliver Melville, when he signed the state after majority, knew that he was at liberty to revoke what he had done during his minority, and so I will not foreclose him.

On the 4th July 1782, "The Lords sustained the reasons of reduction;" adhering to the interlocutor of Lord Westhall.

*Act. Ch. Hay. Alt. Wm. Craig.*

1782. July 5. CRICHTON CLARK *against* GEORGE FREER of Invernethie.

FORUM COMPETENS.

THE defender, a captain in the army, was a native of Scotland, and had a landed estate in Perthshire. His regiment being in England, he obtained leave of absence, and came to Edinburgh on the 15th of August. On the 21st of that month, he was apprehended on a warrant granted by a justice of peace of the county of Edinburgh, proceeding on a petition of the pursuer, who alleged that he was his debtor, and was *in meditatione fugæ*. The defender was liberated on finding caution *de judicio sisti*, "in any action that might be brought against him, *in a competent court*, within six months." In a day or two thereafter, the defender left Edinburgh and went to Perthshire, where he remained till the 8th or 9th of October, and, upon the 17th or 18th of that month, he left Scotland and joined his regiment.

On the 2d of November, an action was raised, before the Sheriff of Edinburgh, by the pursuer against the defender. In defence, he PLEADED,—That he was