

1782. *November 20.* ROBERT JOHNSTON *against* The HONOURABLE WILLIAM MORDAUNT MAITLAND and The EARL of LAUDERDALE, his Administrator in Law.

MINOR.

A minor, who had a commission in the army, found liable for various articles bought by him, although the persons liable by law to aliment him could not have been obliged to pay for them.

[*Fac. Coll. IX. 107; Dict. 9036.*]

HAILES. It is nothing to the purpose, in *this* process, that the Earl of Lauderdale has already paid the debts of his son to the extent of L.300 sterling. Mr Johnston does not ask payment of his account from Lord Lauderdale. Much pains has been taken to represent the furnishings by Johnston to Mr Maitland as being mere trash and trumpery. I have carefully analyzed the account: I see many trifles in it, but they are such as young men of quality use: The articles are, in general, small; and one half of the account consists of implements for fowling. The furnishings are not at the rate of a shilling per day. There are a few exceptionable articles which require explanation, if any explanation is demanded.

PRESIDENT. There is a difference between a minor *in familia*, and a minor who, by having a commission in the army, is, in a manner, forisfamiliar. The furnishings are such as a young officer of the army would properly wish to have; and it would have been improper, either for Johnston to have asked the father's leave to furnish them, or for Mr Maitland to have gone to his father and asked money to purchase them. Decree ought to go for the articles, unless they can be objected to as improper.

BRAXFIELD. Shopkeepers may sell lawful articles to a minor, for ready money, but not on credit.

JUSTICE-CLERK. The account is composed of such articles as it was fit and proper for a young officer to have.

GARDENSTON. The furnishings are, in general, proper. There may be some trifles that are exceptionable; but *here* we have a good rule from the Roman law, *De minimis non curat prætor*. It is not consistent with the dignity of a supreme court of justice to canvass the expenditure of sixpences and shillings.

ESK GROVE. I do not regret that this case has come into Court. It may be a lesson to shopkeepers not to be rash in furnishing articles from day to day to minors, without informing parents. A minor ought to pay for proper furnishings.

On the 20th November 1782, "The Lords advocated the cause, repelled the defences, and found expenses due."

Act. Henry Erskine. *Alt.* G. Ferguson.
Reporter, Gardenston.