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care and protection of an affectionate mother, whose character is irreproachable.

Observed on the Bench, The law of Scotland has not conferred on curators that controuling power over the persons of minors which is here claimed ; and the *nobile officium* of the Court ought never to be at variance with the law. Indeed the measure of which these curators complain, appears not to be attended with any real hazard to the young lady.

THE LORDS “ repelled the reasons of suspension, and removed the interdict.”

To this judgment the Court adhered, on advising a reclaiming petition and answers.

Reporter, *Lord Braxfield.*

For the Suspenders, *Solicitor-General Murray, Ilay Campbell.*

Alt. *Crosbie.*

Clerk, *Tait.*

Fol. Dic. v. 4. p. 9. Fac. Col. No 123. p. 226.

* * * The case of Niven alluded to in the above report, was not a decision of the Court of Session, but of the Privy Council. It is thus sated by Lord Fountainhall, v. 1. p. 501.

One Niven, a musician in Inverness, is pursued for deceiving one of his scholars, a lass of 12 years old, called Cumming, a ministers daughter, and marrying her, and getting a country minister to do it, by suborning one to call himself her brother, and to assert to the minister, that he consented. This being an abominable imposture, and theft, and a perfidious treachery, having a complication of many villanies in it, he was sentenced for an example, to stand at the pillory with his ear nailed to the Tron, and then to be banished ; which was done.

The Privy Council also declared the marriage void and null *ab initio*, as procured by fraud, without sending them to the Commissary-Court ; and farther, declared the maid's reputation to be untainted by this fact.

This present Pope Innocent XI. has made a very just rule, discharging any man to teach music, or other arts to women in Rome, and allows them only to be taught by some of their own sex.

1783. July 26.

JOSEPH SCOFFIER *against* WILLIAM READ and SAMUEL READ, his father, and administrator in law.

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A minor drew bills on his father in London, in favour of a haberdasher in Edinburgh, who advanced some cash on them, and furnished

WILLIAM READ, the son of a merchant in London, in the sixteenth year of his age, was bound apprentice to Mr Hay, surgeon in Edinburgh, who had directions to advance every thing necessary for his subsistence and education.

Soon after his arrival in Scotland, Mr Read became debtor to Joseph Scoffier, haberdasher in Edinburgh, in the sum of L. 50 Sterling, partly on account of money advanced by Mr Scoffier, and partly for goods furnished by him. For

this sum, Mr Read drew bills on his father, which the latter refused to accept.

In an action for recourse against the minor, in which compearance was made for Mr Read the father, the Lord Ordinary pronounced the following judgment, which was adhered to by the Court upon advising a reclaiming petition for Mr Scoffier.

“ In respect it is admitted by the pursuer, that the defender, William Read, is a minor, and that he, the pursuer, who is not a banker or professed dealer in bills of exchange, had no mandate from his the said William Read’s father, the other defender, to make advances to or for him ; but that, on the contrary, such commission had been given by his father to Mr Thomas Hay, in whose house the said William Read lodged, and to whom he was then bound an apprentice, and who, it is not alleged, had refused to supply the defender William Read with such furnishings as were necessary and suitable ; finds, That the pursuer acted rashly and improperly in lending or advancing to the said William Read, on the 23d of October 1782, the sum of L. 16 : 16 : 6 Sterling, upon getting the said defender’s bill or draught on his father, then residing in London, for L. 20 Sterling, and so soon as the 4th of November following, advancing to him another sum of L. 16 : 2 : 11 Sterling, upon getting a second bill or draught from the defender on his said father for L. 30 Sterling, and both which bills were returned protested for not acceptance ; and in respect the pursuer does not offer to prove that the said two sums of L. 16 : 16 : 6 and L. 16 : 2 : 11 Sterling were afterwards usefully applied to the clothing, education, or maintenance of the said defender ; finds, That the said two bills must be held as in so far granted by the defender, a minor, without consent of his father as administrator-in-law, to the lesion and prejudice of him the said defender ; therefore assoilzies as to the said two sums, part of the contents of the two bills sued on ; and also assoilzies as to the farther sum of L. 6 : 9 : 5 Sterling, admitted to have been included in the contents of the L. 30 bill, as the price or value of a woman’s black silk cloak, which the pursuer must have known to have been intended for the use of a person of the female sex, and not to be used or worn by the defender ; but in regard it is admitted on the part of the defender, that the remaining sums contained in the said two bills, viz. the sum of L. 3 : 3 : 6, contained in the first bill for L. 20, and the sum of L. 7 : 7 : 8, included in the second bill of L. 30, were sums due by the defender William Read to the pursuer, on account of articles of wearing apparel furnished by the pursuer to the defender, decerns against the said defender William Read for the said two last mentioned sums, amounting together to the sum of L. 10 : 11 : 2 Sterling.”

Lord Ordinary, *Esqgrove.*

Act. Cullen.

Alt. Ro. Sinclair.

C.

Fol. Dic. v. 4. p. 3. Fac. Col. No. 115. p. 179.

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goods for the remainder. Acceptance of the bills was refused. The minor found not liable for the cash, and only for such part of the goods as was applied for his own personal use. His father had sufficiently supplied him otherwise.