

they might consider the first point, and order Mr Murray to appear that day to condescend upon his age.—27th January 1742.

THIS commission, which is mentioned *supra*, 27th January, was under consideration this day fortnight, when both President and Arniston seemed to think the first objection good, though we had no statute vesting the nomination of this officer in the Register. Arniston was clear, and the President was positive, that in England it would be good, because it would be looked on as part of the Constitution; but at the President's entreaty Arniston dropped the objection. As to the second, Mr Murray was called, and ordered to give an account of his age against this day, when he gave in a petition showing why we should not enquire into his age, there being no law that required majority, and Advocates and Notaries were admitted under age, and the Interim-Keeper that the Court has appointed is yet under age. We refused the petition; but ordered the present Interim-Keeper to attend at 12 o'clock;—and 7th February we removed the Interim-Clerk, having appointed another,—10th February 1742.

MR MURRAY'S commission being refused 10th February 1742, as under age, he being now of age, presented his commission again. Arniston thought the commission void, and there needed a new commission, which occasioned his presenting a memorial, and it carried to admit him, *renit. Arniston et Balmerino*. I thought that it was the general sense of the country, and in consequence thereof very often persons in office take now conjunct-commission to themselves and their children.

No. 10. 1744, Jan. 27. CURATORS OF MISS MURRAY *against* MISS MURRAY.

THOSE curators complained that Miss Murray refused to concur with them in appointing a factor with very large powers. We would not order the minor to answer, but allowed her to answer if she thought fit, and which she did, and told us she was very willing to name a factor, but told us some reasons why she declined to grant a *factory* either to that person, or in so large terms, and told us she doubted if we could interpose betwixt a minor and her curators. The President thought that cases might be figured wherein the necessity of the thing would give us jurisdiction. Arniston seemed to think as I did, that as in no case we can compel a minor to choose curators, neither can we, after they are chosen, compel her to any deeds but what she herself thinks proper. But we all agreed not to interpose in this case, and that there was no cause for it;—and therefore in general refused the desire of the petition.

No. 11. 1744, Feb. 14. (1734.) CRICHTON *against* E. KILMARNOCK.

THE Lords sustained the defence on the allowance to my Lady the mother.

No. 12. 1749, May 11. CREDITORS OF KINMINNITY *against* THE HEIR.

KINMINNITY'S father was apparent-heir of Clyne, and possessed more than three years. After his death, some of his creditors obtained decreets of constitution against his infant son, for not producing a renunciation; whereas they renounced to other creditors,