

*Veritas aetatis* - If a man is of age in the country where he resides, is he or not to be considered as of age in his transactions in foreign Countries where he is not of age?  
 with us Persons are of full age at 21 years in Order to manage their own Affairs: they must be 25 years old before they can act for others, as to be Tutors of Law Act. 52. Par. 7. J. 3. or Lords of Session Act. 132. Par. 12. J. 6.

By the Civil Law, the privilege of Majority, called *venia aetatis* Dispensation of Age, was sometimes obtained in Favour of Males after the twentieth year of their Age, and indulged to Females of 18 by Letters of Dispensation of Age from the Prince, upon a Representation of the parties singular Sobriety, Conduct and Discretion L. 2. C. de his qui ven. aet. whereby they obtained power to manage their Estates and to act in their own Affairs as effectually, as if they had been Majors: except as to the Alienation or mortgaging of their Hereditage L. 1. l. 3. C. eod. which they had not Freedom to do, unless the grant expressly contain so much.

In the united Provinces, this privilege used to be granted by the respective States Jo. Voet. Comment. in ff. lib. 4. tit. 4. N. 4. Gron. who reckons *dare veniam aetatis inter regalia* Feud. lib. 1. tit. 16. §. 26 says that Minors used to obtain this privilege from the King, to enable them to enter to their Ward Lands; *ibid.* lib. 2. tit. 20. §. 1. But tho' I find Nothing in our Law that hinders the granting of such a privilege, I have not observed any Instance of the practice of it among us.

It hath been controverted, whether a person who by the Law where he resides is held to be Major, may effectually contract and deal as such in another Country, without regard to the Law there? Some are for the Affirmative, thinking that personal Statutes whereby persons are invested with any Qualities or Capacities, may be effectual in a foreign Territory or wherever those persons go. Because, if a Man's State or Condition were not determined by the Law of the place of his Residence, where it is certainly best known, it should alter as oft, as in a journey or Voyage he touches at Places of different Customs *Argentre ad Consuet. Britan. Art. 219. Glos. 6. N. 12. Rodenburgh de pure Conjug. Tract. Prelim. tit. 1. Cap. 3. N. 4.* But this Opinion Jo. Voet. Comment. ad ff. lib. 4. tit. 4. part. 2. N. 7. both copiously endeavour to confute upon the following grounds, personal Statutes can no more be effectual beyond the Lawgivers jurisdiction, than those that are real concerning the conveyance or Alienation of foreign Goods can be. Because *extra territorium jus dicenti impune non paratur* L. ult. ff. de jurisd. & par in parem non habet imperium. And how one Magistrate is tied to the observance of another's Statutes or Decrees, is evident from the ordinary practice of requisitorial Letters: whereby one Judge is desired, as a Favour, to put another Sentence to Execution upon goods within his bounds. Again, is not a Man, dignified in one Country for that he would be *Stigmatiz'd* for in another? it were indeed convenient

convenient, that Mens personal State were not thus alterable, by the various Customs of different Countries he may have Occasion of Business: But that is no sufficient ground, for putting a Judge under the Necessity, to observe a foreign Custom, in Bargains about Goods within his jurisdiction. Nor were it less convenient, that one could according to the Law of the place he dwells dispose upon his Estate and Effects lying in a Country, by the Constitution whereof he is not qualified to do it, or to do it in such a Manner.

Minors arrived at the years of Majority, are not only capable to manage their own Affairs; but also have the Benefit of being restored against what was done to their prejudice in Minority by their Tutor, or by themselves, with or without Consent of Curators. This Restitution or Relief of Minors is founded on the Weakness of their Age, and the Instability of their Conduct, for want of Experience and Knowledge in Business, which exposes them not only to be imposed on by others, but also to be mistaken often in their own Interest. Therefore Law gives them Relief against all Acts and Deeds by which their Minority may have engaged them in some Damage. If then it be asked why Law hath been so carefull to appoint Minors with Curators when in all Events they are secured by Restitution? it is answered. It is safer for Minors to be ~~thus~~ thus protected by the prudence of Curators, than afterwards to seek Redress when perhaps it is too late. *Melius est intacta corrumpi jura servari, quam post causam vulneratam remedium quaerere* L. ult. C. In quib. caus. rest. in integr. non est nec. It is surer to hold than to draw as the proverb saith. So the admitting the Consent of Curators doth not hinder the imputing Deeds to his prejudice or oblige him to a previous Discharge of them. *Tit. l. C. si Tut. vel Cur. interv. l. ult. C. si advers. Rem. Jud. Sub. Fab. Cod. lib. 5. tit. 39. def. 2. in Not. N. 6. Voet Comra. ad tit. ff. de Minor. N. 53.* For the power of a Tutor or Curator is limited to what may be profitable for the Minor. Thus a Minor's Bond with Consent of his Curators for borrowed Money was reduced, altho' the Money had been delivered to him and his Curators who were still solvent and accountable to him; unless it were instructed, that the Money was converted or laid out profitably to the Minor's Use 2. July 1667. L. Blantyre contra Walkingshaw. Because it is in the Option of a Minor leased, either to pursue his Tutors or Curators who intruded, or to reduce his Obligation, which double Remedy is allowed for the more Security to the Minor: for whom it may be more advisable to recover the thing itself by a short Process of Reduction, than to pursue a tedious Compt and Reckoning against Tutors or Curators. Altho' in this Case some of the Lords inclin'd not to sustain Process, till the Curators were first cited and discuss'd, that it might appear whether the Minor was effectually lesor; seeing the borrowing of Money by a Minor whose Affairs require it is no Lesion, but only the misemploying of it which is the Curators Fault could be quirell'd.