

* * Kilkerran reports this case :

No. 279.

The tutors appointed by John Riddel, deceased, to John Riddel his son, refusing to accept, application was made by the pupil, with concurrence of his mother, who had been named tutrix *sine qua non*, craving that she might be appointed factor *loco tutoris*, and that special power might be given her to serve the pupil heir *cum beneficio* to his father. And it having been observed from the Bench, that the like had been done in the case of Baird of Saughtonhall, January 13, 1741 ; and *in anno* 1711, in the case of the Lord Bargany, the Lords “ Granted the desire of the petition.”

Kilkerran, No. 8. p. 586.

1747. January 13.

RABINA POLLOCK, Supplicant.

No. 280.

Where a pupil was both apparent heir and creditor to her father, and it appeared more expedient for her to betake herself to her debt than to represent, so that an adjudication was necessary, and which behoved to be led against herself, the Lords, upon the pupil's application, with concurrence of her mother, appointed the mother factrix *loco tutoris*, with power to do diligence for recovery of the debts, and in order thereto to make them over to a trustee.

A factor *loco tutoris* appointed for leading an adjudication for behoof of the apparent heir against herself.

Kilkerran, No. 9. p. 587.

* * D. Falconer reports this case :

A petition was given in in name of Rabina Pollock, only child to the deceased Captain John Pollock of Balgray, and Anna Lockhart her mother, showing, That, by her parents' contract of marriage, she was entitled to £.1000 Sterling of portion ; that she was also creditor to her father for a sum left her in legacy by a friend, with which he had intromitted ; that part of his estate was settled on heirs-male, who declined to enter, and part on her, as heir whatsoever ; that it was thought expedient she should betake her to her provision and debt ; and thereon, by adjudication, affect the estate ; in which process it was necessary she herself should be summoned as heir, and that her claims should be made over to a trustee for that purpose, which she being under the age of pupillarity, and without tutors, could not do, and therefore craving the interposal of the Court.

The substance of the interlocutor was, “ Appointing Anna Lockhart the petitioner's mother to be factrix *loco tutoris* over these two subjects, with power to her to do diligence for the recovery of them, and in order thereto, to assign them over to a trustee.”

Petitioner, *H. Home.*

Clerk, *Murray.*

D. Falconer, v. 2. No. 152. p. 195.