

petition to an Ordinary to inquire into the facts, and also into the practice of the Court, and to report. Upon report of the Ordinary, 10th August 1776, the Lords resumed consideration of the petition. The facts were true, and the work craved to be authorised highly proper and expedient. But the Lords made a great distinction betwixt estates sequestrated and *in manibus curiæ*, and those under the management of factors of this kind: they refused to interpose, leaving the factor to act as he thought most for the advantage of the estate under his management.

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They did the same, 16th January 1778, in a petition of Robert Donaldson, writer, factor *loco tutoris* to the heir of George Wilson Mason, craving liberty to set tacks beyond the minority and the term limited by Act of Sederunt 1730. The term craved was 21 years. The Lords left him to act, *cum periculo* as he should be advised.

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Wotherspoon having disposed his estate to certain trustees, for behoof of two sisters and their minor children, with legacies to several other persons; he named the trustees also tutors and curators to the children, freeing them from omissions or being liable *in solidum*. Upon a complaint against them, on the statute 1696, c. 8, (see *Summary Application*,) they were removed by the Court, as suspected tutors, and discharged from further administration of the minors' effects. Whereupon all interested again petitioned the Court, (December 1775,) that they would, *ex nobili officio*, appoint another trustee to denude the former, and bring them to account. "The Court declined to do this, but they nominated a person factor *loco tutoris*, on the subjects mentioned, with the usual powers; and specially with power to bring a proper process, if he should be advised that the same was necessary for denuding the trustees."—(See *Nobile Officium*.)

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1776. November 15. GEORGE FULLARTON, Comptroller of the Customs at Leith, Petitioner.

A FOREIGNER residing in Scotland, and having effects in Scotland, having become delirious, was cognosced; but, having no agnate in Scotland, the Lords, (15th November 1776,) appointed a factor *loco tutoris* to manage his estate, with the usual powers.