

an alien, but as a subject of Great Britain, residing now in a foreign country ; therefore repels the objection of 'alienage to the claim of terce.' In this judgment the objector acquiesced. See PERSONAL and REAL.

No 11.

Lord Ordinary, *Monbodlo.* For the Widow, *Wight.* Alt. *Macleod-Bannatyne.*  
Clerk, *Colquhoun.*

S.

*Fol. Dic. v. 3. p. 231. Fac. Col. No 210. p. 440.*

1792. June 8. JAMES MILLER and his ATTORNIES, against JOHN ALLEN.

MILLER, a subject of the United States, of America, as curator-in-law of his brother, a fatuous person, residing in Scotland, brought an action, by his attornies, against Allen, for monies due to his brother.

Allen did not dispute the justice of the debt ; but *contended*, That the pursuer, being an alien, could not be allowed, as a curator-in-law, to uplift sums of money due by, and belonging to a person residing here.

THE LORDS sustained the defences.

Reporter, *Lord Henderland.* Act. *Cullen.* Alt. *Hay.* Clerk, *Menzies.*  
C. *Fol. Dic. v. 3. p. 232. Fac. Col. No 216. p. 455.*

No 12.

An alien cannot sue, in the Courts of this country, as a tutor-at-law or curator for an insane person resident in Scotland.

See FOREIGN.

See APPENDIX.