1773. *June* 22. JOHN SCOTT and OTHERS *against* JOHN WILSON.

PARENT AND CHILD—IMPLIED POWER.

The nomination of a trustee in a deed executed by a man and his wife for behoof of their Children, is revocable by the father, as their administrator-in-law, though the deed should contain no express power of revocation.

[*Fac. Coll., VI.* 175; *Dictionary*, 6585.]

GARDENSTON. The father did not mean to divest himself of the power of administration. This naming tutors and curators can only be in the event of himself dying.

AUCHINLECK. The father has power to revoke the whole.

HAILES. According to Wilson's argument, his powers are such that he may send one of the children to sea, although the father should propose to give him an academical education.

COALSTON. Two things are confounded by Wilson, which in themselves are distinct. The deed, *quoad* the children, is irrevocable; but the father and mother may alter the trustee. The children, who are minors, may uplift with consent of their administrators.

MONBODDO. A father cannot assign away his paternal power, or renounce his rights of administration. This is not the case here; it respects a particular sum. If the father can name a new trustee, he can uplift the money and take the administration upon himself.

On the 22d June 1773, "The Lords found the letters orderly proceeded;" altering Lord Monboddo's interlocutor.

Act. R. M'Queen. *Alt.* A. Lockhart.

1773. *June* 23. JOHN ARBUTHNOT *against* ANN ARBUTHNOT.

HEIR AND EXECUTOR.

It is the nature of the obligation granted for the price of lands purchased at a Judicial Sale, and not of the debts ranked thereon, that regulates the relief *quoad* these debts, between the Purchasers, Heir, and Executor.

[*Faculty Collection, VI.* 180; *Dictionary*, 5225.]

AUCHINLECK. The debt appears to have been moveable *quoad debitorem*, and therefore the interlocutor is right.

KAIMES. James Arbuthnot purchased an estate. The price was not paid