Before the reclaiming note in this case came on for discussion, a motion was made by the counsel for the respondent, for the appointment of a *curator ad litem* to his client Mrs Anderson or Skinner, who, it was stated, had become insane during the dependence of the action.

BALFOUR for the reclaimers.

RHIND for the respondent.

At advising—

LORD PRESIDENT—The difficulty which occurred to us when this motion was made on a previous occasion, I think in November last, has certainly not since been removed. The question is, whether, where a woman, who is litigating a cause, has, during the dependency, become insane, it is competent for us to appoint a *curator ad litem* to her? The application is, I think, unprecedented; at any rate no appointment has been made where the question of competency has been properly raised. Without saying that in all circumstances it would be incompetent, I think this is not a case in which to introduce such a novelty. The appropriate course to take here I consider to be for the parties to apply for the appointment of a *curator bonis* in common form. That is not a proceeding about the competency of which there is any doubt. While the appointment of a *curator ad litem* to a party under these circumstances, and on a mere incidental motion, is a matter about the competency of which there is a very great deal of doubt indeed.

The other Judges concurred.

The Court accordingly continued the case, to give time for a proper application to be made for the appointment of a *curator bonis* on the application of the proper parties.

Agents for Reclaimers—Hill, Reid & Drummond, W.S.

Agent for Respondent—William Officer, S.S.C.

Wednesday, January 25.

FIRST DIVISION.

THE TRUSTEES OF MRS DUNCAN OR ANDERSON *v.* MRS ANDERSON OR SKINNER.

Process —Curator ad litem—Curator bonis—*Insane.* *Held* that where a party to an action has become insane during the dependence of the cause, the appropriate procedure to follow is to apply for a *curator bonis* in common form, and not for a *curator ad litem* merely, by incidental application.