

the interlocutor of the Court of Session was reversed; and it was adjudged, that the appellant is not barred, by the act of Parliament, from objecting and proving the debts to be fictitious, or that they could not affect the estate of Roystoun. The Lord Chancellor, in delivering his opinion, expressed a good deal of indignation at the fraudulent means of obtaining the act; and said, that he never would have consented to such private acts, had he ever entertained a notion that they could be used to cover fraud.

No 164.

*Sel. Dec. No. 11. p. 12.*

1755. February 12.

MR NEIL CAMPBELL and Others, Creditors of LORD RUTHVEN, Petitioners.

THE lands of Ruthven, entailed under prohibitive, irritant, and resolute clauses, were sequestrated for the behoof of the Creditors of Lord Ruthven.

The Creditors represented, That the tacks on this estate had expired; that the entail did not prohibit the granting of tacks, and that the rents could not be raised, unless tacks were granted to endure for 19 years: They therefore prayed, That the factor might be authorised to grant tacks of the endurance aforesaid.

No objection was offered for the heirs of entail.

THE LORDS granted the desire of the petition; and ordained, That the tacks should be set at the sight of the Sheriff-depute or his substitutes, and that the said Sheriff, or his substitutes, should sign witness to the tack so set.

Petitioner, *J. Craigie.*

D.

*Fac. Col. No 135. p. 202.*

1755. June 17.

LORRAIN Petitioner.

THIS day there was a petition presented to the Lords by James Lorrain, Commissary-clerk of Lauder, craving the Lords would appoint an interim Commissary for Lauder, whereof the tenor, with the deliverance thereon, follows:

No 166.

The Court appointed an interim Commissary.

*To the Right Honourable the Lords of Council and Session, the Petition of James Lorrain, Commissary-clerk of Lauder;*

*Humbly Sheweth,*

THAT, in April last, the office of Commissary-principal of the commissariat of Lauder became vacant by the decease of Sir James Home of Blackadder,