1760. *January* 4. GRAHAM *against* RIGBIE.

IN this case it was the opinion of the Court, that a decreet-arbitral, pronounced in England, might be set aside in Scotland upon iniquity, according to the law of the country where it was pronounced. And in this case they accordingly reduced a decreet-arbitral upon that ground.

1760. *January* 8. COUNT LESLIE *against* LESLIE GRANT.

IN this case, the Lords determined that a man who was agent in a cause cannot be called by the other party as a witness, to declare upon oath such things as he learned in the course of that employment, without distinction whether they were told him by his client, as secrets of the cause, or not; for the Lords were of opinion that every thing he was informed of as agent, belonged to the secrets of the cause, and, therefore, he was not obliged to reveal it; and the same decision will, no doubt, apply to a lawyer or any other man employed in law business, in the way of his profession.

1760. *January* 22. DAVID MONRO *against* ———.

IN this case it was the opinion of the President and the majority of the Court, that an adjudication against one only of more heirs-portioners, was absolutely void and null; *dissent.* Coalston, who thought that the adjudication was good against one of the heirs-portioners, so far as her share went.

1760. *February* 20. CREDITORS of HAMILTON of GRANGE.

[Kaimes, No. 160.]

THIS question occurred upon the Act 1695, introducing the sale of estates by apparent heirs, an act of very great importance in our law, but upon which there has been very little practice, and very few decisions. The case here was, that an apparent heir, three years after his predecessor's death, raised a summons of sale, and actually brought the estate to a sale; after which, his creditors laid on an arrestment of the price in the hands of the purchaser: this brought on a competition betwixt these creditors and the creditors of the defunct, who alleged that they were preferable upon the price, and that the creditors of