

brought a sale of his estate on the Acts 1681 and 1690, and afterwards petitioned for sequestration. The Earl of Cassils, as an heritable Creditor by heritable bond, infestment, adjudication, and charter and infestment, and in possession of the lands of Bardanock, and a tenement of Ayr, opposed the sequestration *quoad* these subjects. The Lords granted the sequestration, exclusive of these subjects, which they refused to sequesterate.

By the late Bankrupt Statute, it is declared, That although the bankrupt should die after sequestration, that it continues, and that the factor is entitled to recover the debtor's estate in the same way as if he had been alive. The case occurred, *20th June 1775, Creditors of Andrew Hunter, shoemaker in Glasgow, Petitioners.* The Lords proceeded to name a factor in common form; but, with respect to these clauses in the interlocutor, ordaining the bankrupt to denude and grant a disposition, &c., these were left out, in respect of his decease, and a general clause thrown in, granting warrant to, and ordaining the factor to do every thing proper and necessary for discovering and taking possession of the personal estate and effects of the bankrupt for behoof of the Creditors.

1772. *July 25.*            DAVID LOCH'S Sequestration.

IN the sequestration of David Loch's effects, at the instance of his Creditors, in terms of the late statute, the Petitioner, Robert Ferrier, produced a horning and caption, and bill and protest, whereon they proceeded,—and an oath of verity upon his debt,—together with a certificate from the Clerk of the Abbey of Holyrood-house, certifying that Mr Loch was, upon the           , admitted to the benefit and privilege of the Sanctuary. The Lords granted warrant to cite Mr Loch, and afterwards sequestered in common form.

1772. *December* .    WOOD *against* The MAGISTRATES OF GLASGOW.

A SEQUESTRATION on the late Act of Parliament, obtained on the application of the debtor himself, is no bar to his obtaining his liberation from prison the Act of Grace.

1772. *August 4.*            SAMUEL COLE, &c.

IN May 1772, Samuel Cole of Covent-Garden, mercer, sent down to Scotland a parcel of silks, in value about L.3000. Soon after his brother came down, as factor, to sell these goods, which were lodged in a ware-room in Canongate, where he obtained a license to trade. These silks were soon after arrested by certain English creditors of Samuel Cole; whereupon he wrote to

his brother, desiring him to take advice. And the advice given was, to apply to the Court for a sequestration on the late statute. This was opposed as incompetent, the statute applying only to Scotch insolvent debtors, but not to English debtors having occasionally effects in Scotland. The Lords, after advising memorials, granted the sequestration. They thought it was the situation of the effects, not the residence of the debtor, which founded the jurisdiction.

They were of the same opinion in the case of,

1776. *February* . SAMUEL BURN, Merchant in BERWICK-UPON-TWEED ;

and the same in several other instances, particularly of John Reynolds, merchant in London, of whose effects sequestration was awarded by the Ordinary on the Bills, 9th May 1776, and the Court divested the factor in favours of a trustee, 15th November 1776.

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SEQUESTRATION of the EFFECTS of WILLIAM WALKER, Procurator-Fiscal.

A CREDITOR of William Walker, late Procurator-Fiscal of the Sheriff-court of Edinburgh, applied for a sequestration of Walker's effects. The criterion of bankruptcy was, that Walker had suffered a poinding of part of his effects. Walker was truly a person *non compos* ; he was kept in a mad-house at Musselburgh. Of this there was no evidence before the Court ; and, although there had been such evidence, probably it would have had no effect. The Lords sequestrated in common form.

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1776. *February 24.* LAWRIE, Petitioner.

A FACTOR on an estate, sequestrated in terms of the late statute, applied by petition, praying the Lords to authorise him to submit certain claims betwixt the bankrupt and his master, and to pay the hypothec, &c.

The Lords refused the petition, or to give the factor special directions in the matters craved, leaving him to do his duty conform to the statute.

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1777. *February 21.* JAMES M'LUNE, Tenant in Bombay, Petitioner.

WHERE a sequestration on the late statute is applied for, and obtained, all persons who have poinded the bankrupt's effects within the preceding thirty