

STEVENSON
v.
MACPHERSON,
&c.

PRESENT,

LORDS CHIEF COMMISSIONER AND CRINGLETIE.

STEVENSON v. MACPHERSON, MACLACHLAN,
AND MACNICOL.

1827.
June 11.

THIS was an action of damages by a person who had been bankrupt, and alleged that the trustee on his estate, and the agents employed by him, had agreed to reconvey to him the stock on his farm at a valuation, and afterwards sold it.

Finding for the
defender, the
pursuer having
failed to produce
an original sede-
runt-book.

DEFENCE.—The pursuer did not pay the price, or find security in terms of the agreement. Before, at, and after the sale, the pursuer, by his conduct, homologated every thing that was done.

Mr Robertson opened the case for the pursuer, and stated the facts.—The first piece of evidence tendered was a copy of the sederunt-book under the sequestration, which it was stated had been in process, and was admitted in the answers to the condescendence as a true

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copy. This was objected to as neither the original, nor the copy authorized by the bankrupt act.

LORD CHIEF COMMISSIONER.—In fact, by the statute there are two originals, but this is neither of them, and the admissions not having been taken in the usual way, this copy must be rejected. As this is the foundation of the pursuer's case, if I had the power to nonsuit, this would be a proper case to exercise it. But not having this power, I must direct a verdict for the defender.

Verdict—"For the defender."

Robertson, for the Pursuer.

Hope, Sol.-Gen., and *D. M'Neill*, for Macpherson and Maclachlan.

Monteith for Macnicol.

(Agents, *Thomas Ker*, w.s. *David Brown*, w.s. *James Hamilton*, w.s.)

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PRESENT,

LORDS CHIEF COMMISSIONER AND CRINGLETIE.

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MACKAY v. N. AND M. MACLEOD.

1827.
July 12.

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Damages against
the master and

AN action to recover from the master and the