

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.

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.

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.

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

days of the application, are bound to pay over the value of them to the factor, or, if not disposed of, to restore the *ipsa corpora*; and the Court, when they award the sequestration, are in use to pronounce an interdict prohibiting the pinders, in that case, to dispose of the *ipsa corpora* of the goods pinded, till further order of Court. A petition was this day, 21st February 1777, presented for James M'Lune, tenant in Bombay, praying a sequestration, and an interdict against a pinder, in common form; but it further set forth, that a parcel of cattle had been carried off the farm, under pretence of a previous sale. And therefore it prayed for a similar interdict against the purchaser from disposing thereof. This last, as to the cattle, the Lords refused. The sales mentioned in the Act are those only posterior to the sequestration, not such as are prior; these must be regulated by other rules than those of this statute.

SEQUESTRATION OF THE EFFECTS OF A COMPANY.

ALTHOUGH the late statute seems confined to individuals, the Lords have extended it to Companies; but they refused to extend it to a royal burrow, *viz.* the Burrow of Abberbrothick. But how shall a Company obtain the benefit thereof? If the Company applies for sequestration, the Lords are in use to grant it; but where creditors apply, and the Company must be rendered bankrupt, it would appear that the mode of doing it is by a pinding of their effects. At least it is difficult to see how the other criterions of bankruptcy will apply.

FORM OF PROCEEDING BEFORE THE ORDINARY, OR IN COURT.

PROCEEDINGS in a sequestration, if unfinished at the end of a Session, go to the Ordinaries on the Bills during the ensuing vacation, and may be proceeded in before them. And in the same way, where begun before the Ordinary on the Bills, may be proceeded in before the Court; but this must be begun by petition,—for, until then, the cause is not in Court; and not only must this form be observed, but the petition, before the Ordinary, must be printed and boxed with the other petition, in order that the Court may see what has been going on.

1778. February 25. SEQUESTRATION of the ESTATE of LAINSHAW.

A JUDICIAL sale having been made of the estate of Lainshaw, as a bankrupt