

No. 2. 1734, Jan. 9. THOMAS LAWRIE of Corkelferry, *Supplicant*.

IN a ranking and sale of a house in the head of the Canongate newly built but not finished or made habitable; on a petition by the pursuer of the sale for liberty to finish and make it habitable, and that the expense should be declared a preferable debt, the Lords on advising the petition without answers, refused the bill, because these were not reparations but new finishing.

No. 3. 1734, Nov. 20. EARLS OF LOUDOUN, &c. *against* LORD ROSS, &c.

THE Lords found, that notwithstanding these Earls were ranked *primo loco* on the lands of Gulston, yet not having drawn the whole by reason of a prior inhibition and the common expenses of ranking and sale, that they ought to be ranked on the lands of Bruntswood for what remained due after these deductions; but found that they could not be even ranked for the whole sums in their adjudication but only for what remained so due.

This last being reclaimed against, the Lords altered and found they should be ranked for the whole so as to draw only what remains due.—20th November 1734 The Lords adhered.

No. 4. 1736, Feb. 13. CREDITORS, &c. of MR A. FALCONER, *Competing*.

See Note of No. 3. *voce* ALIMENT.

No. 5. 1739, Nov. 9. BAILIE THOMAS DUNDAS *against* LORD ROLLO.

THE question though about a small subject was of some importance: How far a sale before the Lords could be quarrelled by a third party having right to the subject not derived from the bankrupt? The Lords found that Henry Wylie the son and heir of Henry as well as of Thomas the bankrupt being called in the sale, neither Henry nor any of his creditors can quarrel the sale; and they thought the act of Parliament had the same effect, which provides that the subject shall be free from the debts and deeds of the bankrupt or his predecessors;—and Henry's right flowed from the predecessor of the bankrupt. Afterwards adhered.

No. 6. 1741, June 26. CREDITORS OF KERSLAND *against* SCOTT.

FIND that Mr Scott is entitled to retention of a capital that will answer to the whole teinds of the vassal's lands, the same not exceeding the feu-duty, until the creditors shall give Mr Scott a sufficient right to the said whole feu-duties.

No. 7. 1741, Dec. 8. STIRLING *against* CAMERON.

A question occurred on this petition for Stirling, Whether when an estate is sold as bankrupt, and eventually there happen a reversion after paying the whole debts, a general