

considered the words of the act 1696, and the decision of the Creditors of Menzies, (No 258. p. 1226.) in the year 1715, finds, That the deeds under challenge are not reducible under the act 1696. And to this judgment the Lords adhered, upon advising a reclaiming petition for the pursuers, with answers for the defender. See No 217. p. 1163.

Lord Ordinary, *Hailes.*

Agt. *Hay Campbell, Sir John Belsches.*
Clerk, *Hume.*

Alt. *Crosbie, Dalzell.*

Fol. Dic. v. 3. p. 68. Fac. Col. No 76. p. 117.

Craigie.

No 267.
Sequestration was delayed till the 59th day. Found, that the deed could not be challenged upon the act 1696.

DIVISION VI.

Cases which peculiarly regard the particular terms of the late Bankrupt Statutes, from 1772 downwards.

1772. August 4. SAMUEL COLE, &c. against EPHRAIM FLAMARE, &c.

THE act 12th Geo. III. c. 72. found to extend to the case of a foreign debtor's effects in this country. An application for sequestration thereof, in terms of that act, in name of the debtor, found competent, and sufficiently authorized by a general letter of mandate to his brother, whom he had originally entrusted as infitor, to dispose of the goods in Scotland: This, in a question with English creditors, who had attached the effects by arrestment. See The particulars of the case, *voce FORUM COMPETENS.* See *NEGOTIORUM GESTOR.* See *SEQUESTRATOIN.*

Fac. Col. No 24. p. 65.

No 268.
12th Geo.
III. c. 72.

1778. January 18.

ROBERT MONTGOMERY, and Others, against JOHN PARKER.

THE personal estate of William Wilson, a bankrupt, was sequestrated upon the statute 12mo Geo. III. c. 72. After the effects had been converted into money, a scheme of division lodged in the process, and the Lord Ordinary had allowed all concerned to see, and give in objections; but before his Lordship had reported the scheme; an interest was given in for Montgomery and Wilson, creditors who had not formerly appeared. These creditors insisted, that they were entitled to draw their proportional share of the first dividend, in consequence of the interest then produced.

No 269.
12th Geo. III.
c. 72.—Creditors who did not lodge their claim with the clerk, within nine calendar months, were found to have forfeited their share of the first distribution.