

There did not appear to have been any decision on the point, *viz.* of a sale at the instance of an apparent heir after he had renounced. But it was said, this proceeded from the plea's not being tenable, otherways the objection must have been made, and repelled, long ago.

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1776. *March* . MITCHELL of BALDRIDGE, Petitioner.

THERE is only one messenger in Zetland : the Lords therefore, to save time and expense, granted warrant to the sheriff-officers of the stewartry of Orkney and Zetland to execute the letters of publication of the sale of the estate Girlstor, lying in Zetland, in place of messengers-at-arms. See *New Coll.*, No. .

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1776. *November 27.* ALEXANDER KEITH, Writer to the Signet, Petitioner.

IN the ranking and sale of the estate of Treuchie ; after the ranking was concluded, the sale advertised, letters of publication raised and executed,—the common debtor died, leaving an only sister, his heir of line, in minority. The pursuer of the sale petitioned the Court for letters of diligence, to cite the heir personally, or at her dwelling-place, and her tutors and curators, edictally, to be present at the sale, for their interest. Which the Lords granted.

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1777. *January 17.* WALSH *against* The CREDITORS of MR ROBERT MAC-INTOSH.

JOHN Walsh, Esq., having obtained decret of constitution against Mr Robert M<sup>c</sup>Intosh, advocate, and also decret of adjudication against his estate for £30,000, and having obtained charter from the Crown and being infert, brought a ranking of his creditors,—a sale of his estate in common form ; in which process, having obtained and extracted a decret of certification, in terms of the Act of Sederunt 1756, it was objected, even against himself, that, by this decret of certification, his own debts were cut off ; the fact being, that although his charter and sasine were produced before pronouncing or extracting the decret of certification, yet his constitution and adjudication were not produced till after, and therefore they fell under the certification ; for, although the decret of certification was obtained in his name, yet it was truly for behoof of all the creditors, and, in terms of the Act of Sederunt 1756, had the same effect as if obtained by each of them.

The Lords repelled the objection.