

1787. November 15.

BALFOUR *against* SCOT.

PART of the moveable estate of David Scot of Scotstarvet, being situated in England and part in Scotland, Miss Scot, the heiress of his land estate, claimed a share of the moveable estate; which was opposed by her sister and others, who, as nearest of kin, laid claim to the executry, and insisted, that if Miss Scot claimed any part thereof, she was bound to collate the heritage.—*Answered*, The law of collation is unknown in England; and by the law of that country, which must regulate the effects there situated, she is, although the heiress in heritage, entitled to her share of the executry.—THE LORDS found, That the succession to Mr Scot's personal estate in England falls to be regulated by the law of England, but that she could not claim the Scots executry without collating. See SUCCESSION.

No 114.

Fol. Dic. v. 3. p. 223.

* * * This case having been appealed, it was found, That Miss Scot was entitled to her share of the whole personal estate without collating, in respect that her uncle's domicil was in England.

* * * See This case, No 18. p. 2379.

1788. June 25. ELISABETH and MARGARET BRUCE *against* JAMES BRUCE.

THE late Mr Bruce of Kinnaird was twice married. Mr James Bruce was the only child of the first marriage. Of the second there existed one son, William Bruce; and two daughters, Elisabeth and Margaret.

William Bruce, at an early period of life, entered into the service of the East-India Company, where he attained the rank of Major in the army. In the course of his service, he acquired about L. 9000, which he for the most part employed in purchasing bills of exchange, drawn by the Governor-General in India, upon the Directors of the East-India Company in London.

Some of these bills, at the time of his death, were in the hands of his correspondent in London; others were on board a ship, in its way home from India; and he had granted a power of attorney to three of his friends in Scotland, for uplifting the money, and laying it out on such security as should be most for his advantage. As to the remainder of his effects, they were situated in India, where he died on 30th April 1783. At this time he had no intention of returning immediately to Scotland; although he often professed his purpose of spending the last of his days in his native country.

Thus, a question arose between James Bruce, the brother-*consanguinean*, and Elisabeth and Margaret Bruce, the sisters-german of the deceased; the former

No 115.

Succession in moveable effects found to be regulated by the *lex domicilii*.

The succession of effects at sea, by the law of the country whither they were destined by the proprietor.