

This petition was refused (27th May 1802) without answers; when it was observed on the Bench, That the 17th section of this statute was merely a continuation of the 13th, and is applicable to the situation of a Scotch trader who may have left this country; and consequently the provisions of the statute cannot be carried into effect but by his own concurrence; and this concurrence is necessary, as it might prove a hardship in many cases, that his effects should be sequestrated when he might know nothing about it, and when he might be completely solvent, although from negligence some of his debts here might remain undischarged. This short clause, it was remarked, was never intended to introduce so very great an alteration into the law, as that a foreign trader should be comprehended under the provision of the statute, when he is not mentioned in any of the former ones. In the English case quoted, the debtor not only was in England at the time when the commission of bankruptcy was issued against him, but the act of bankruptcy was also committed in that country; and these were declared to be essential requisites*.

No. 17.

For Kelt, G. J. Bell; Samples Agent, Ja. Buchan, W.S.
 Alt. Hutchison; Agent; Geo. Anderson; Clerk, Colquhoun.
 Fac. Coll. No. 44. p. 89.

1802. November 26.

BERTHAM *opains* RICHMOND and FREEBAIRN'S Trustee.

No. 18.

THE premiums due to underwriters make no part of the Broker's sequestrated estate, if not uplifted previously to his bankruptcy.

Fac. Coll.
 * This case is No. 83. p. 7192. voce INSURANCE.

1802. December 10.

NISBET and Co's. TRUSTEE, Petitioner.

No. 19.

THE landlord is a preferable creditor over the effects of his bankrupt tenant, for all arrears of rent prior to sequestration, even when the right of hypothec does not apply.

Fac. Coll.
 * * This case is No. 151. p. 15268. voce TACK.

* On the same day the Court likewise refused, without answers, a reclaiming petition for William Bishop and Company, merchants in Lancaster, praying for a sequestration of their Scotch effects.