

1758. *December* 19. WILLIAM CAWFIELD, Esq. Supplicant.

No. 14.

Prorogation
of a lease,
upon a se-
questrated
estate, by
authority of
the Court.

THE estate of Castlehill was sequestrated in the year 1748, and a process of ranking and sale having been brought, it appeared by the proof, that the lands were worth, at 22 years purchase, £70,635 Scots; and that certain houses in the town of Inverness, at 14 and 15 years purchase, were worth £9340 Scots: That the estate was subject to two liferents, amounting to £125 Sterling; and that the debts, by a state, amounted to £126,617 Scots; from which state it appeared, that the debts exceeded the utmost price that could be expected for the estate.

William Cawfield had obtained the reversion of a tack of the lands of Meikle Draikies, part of this estate, at the rent of £30, the years of which tack were nearly expired in the year 1758. He bestowed a considerable expense in improving the farm, by inclosing, draining, and culture, and was willing to lay out the further expense necessary to complete the improvement, provided he could obtain a renewal of his lease. As the estate was bankrupt, and the heir of the family could not interpose, he applied to the Court, setting forth these facts, and praying, that the factor upon the sequestrated estate might be authorised to execute a prorogation of the tack for 30 years.

To this application several creditors gave their consent, considering it as beneficial for the estate. The mother of the apparent heir also consented.

The Court remitted to the Lord Ordinary to inquire into the facts; who, after calling parties, appointed an intimation to be put up in the minute-book, that the whole creditors might be apprised.

The case being afterwards reported to the Court by the Lord Ordinary, and no objection made by the creditors,

“The Lords remitted to the Lord Ordinary to inquire how far this demand will be beneficial to the estate, and to call the next heir.”

Act. Hamilton-Gordon.

Reporter, Lord Shewalton.

Fol. Dic. v. 4. p. 266. Fac. Coll. No. 148. p. 265.

1764. *November* 16. PATERSON *against* ANDERSON.

No. 15.

CREDITORS having applied for a sequestration of their debtor's estate, of which a sale was depending in Court, it was objected, That there was no absolute proof of the bankruptcy, nor any competition, but simply a process of sale. The Lords repelled the objection, and sequestrated.

Fol. Dic. v. 4. p. 265.

* * This case is No. 17. p. 3691. *voce* EXECUTION.