

1788. July 1. ELIZABETH and MARY BRUCE *against* JAMES BRUCE of KINNAIRD.

FOREIGN.

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.

[*Fac. Coll. X. 41; Dict. 4617.*]

JUSTICE-CLERK. This case has been determined over and over again, according to the interlocutor of Lord Monboddo.

HAILES. A difficulty is started on account of the funds having been invested in bills, and those bills being at sea when Mr Bruce died; but the truth is, that an English company, residing in Leadenhall Street, London, were the creditors in the bills, and the money for which the bills were granted, lay in their out compting-house at Calcutta, for it is but a compting-house, although a pretty large one. No man, who is in a foreign country, can prevent his dying there, but every man in a foreign country can prevent his dying intestate there. If he make no will, and, of consequence, if his succession go contrary to his probable intentions, he himself is to blame; the law cannot supply what he has omitted.

ESK GROVE. Can a man be said to have a domicile in Scotland because he was in meditation of coming to Scotland?

On the 1st July 1788, "The Lords found that the English law must be the rule for determining the succession of Major Bruce; and consequently, that James Bruce of Kinnaird is entitled to succeed with the defenders, his brothers and sisters consanguinean;" adhering to the interlocutor of Lord Monboddo, and refusing a petition without answers.

For the petitioners, Henry Erskine.

1788. July 8. ALEXANDER WILSON *against* JOHN GRIEVE, LORD PROVOST of EDINBURGH, &c.

PRISONER.

Magistrates found liable for the sums due to an incarcerating creditor, even where the debtor had, before his release, obtained the *cessio bonorum*.

[*Fac. Coll. X. 47; Dict. 11,757.*]

MONBODDO. This case does not fall within the act of sederunt; the question