

of being in your Lordships' House, that, in my opinion, the interlocutors should be reversed. The only point which remained was the form of your Lordships' judgment. Considerable questions were argued, which it is not necessary for your Lordships now to decide; and I would move your Lordships, that this interlocutor be reversed, and that the case be remitted to the Court of Session, in order that they may allow of proof, and further proceed in this cause as they may see just. March 1. 1825.

Appellants' Authorities.—1. Vesey, 343.; Pothier on Obligations, 4. 2. 6.; Marius' Bills of Exchange, p. 19. fol. ed.; 12. Mod. Rep. 309.; 1. Vesey, 341; 2. Vesey, 38. 6. Vesey, Jun. 812.; 2. Campbell's Rep. 214.; 3. Campbell, 324.; 16. Vesey, Jun. 430.; 4. Price, 176.

Respondents' Authorities.—3. Campbell, 324.; 6. Vesey, Jun. 812.; 2. Campbell, 211.

FOULKES, LANGFORD, and WALFORD—J. CHALMERS,—Solicitors.

WILLIAM TAYLOR, Appellant.

No. 4.

JAMES KERR, (Taylor's Trustee), Respondent.

DURING the dependence of the appeal entered by the appellant of the interlocutor refusing to recall the sequestration of his estates under the Bankrupt Act,* the Court of Session, under the authority of the 67th section of that statute, appointed the creditors to meet in order to choose commissioners. Against this order the appellant also appealed; and the first appeal having been dismissed, the House of Lords, after hearing the appellant in person at the Bar, 'ordered and adjudged, that the appeal be dismissed, and the interlocutor complained of affirmed, with L.100 costs.'

March 2. 1825.

1ST DIVISION.

J. DUTHIE—THOMAS,—Solicitors.

* See 1. Shaw's Appeal Cases, p. 254.