No. 12.　cautioner must have been voluntary since there was no diligence, and that interruption found, as to the cautioner, who had paid the debt in 1711, to give him relief against the principal.

1737.　*January* 19.　MURRAY *against* COWAN.

No. 13.

THOUGH the penal part of the Gaming Act. *9mo Annæ*, for the triple value, is in England limited by the English statute of limitations, 31st Eliz. cap. 5. to one year, yet as that statute of limitations has no force in Scotland, therefore neither does it limit the Gaming Act here.

1737.　*July* 14, *December* 6.　SIR JAMES DALRYMPLE *against* DUNCAN.

No. 14.

A BOND taken by a factor (payable to himself *qua* factor) of a sequestrated estate for rents falling due after the bankrupt's death accresces to the creditors, whose diligence carried these rents, viz. adjudications on decreets *cognitionis causa* : And many years after the sale, and more than forty years after granting this bond, the purchaser, who had acquired all the debts, pursued for this bond in the title of two adjudications that had been led at the instance of minors, both of them ranked in the sale, one indeed *pari passu* with many others as being within year and day, but the other without year and day ; and several infeftments were ranked preferably to both : Therefore the question was, whether the minority of these creditors should be deducted, and whether they could sue for the whole sums, or only their proportion ? The Ordinary found that their minorities must be deducted, and that they might sue for the whole ; and the Lords adhered as to the adjudication that was within the year, because adjudgers though preferable *pari passu* only *concursu faciunt partes* ; but found no occasion to determine as to the other without the year.—Adhered, 6th December.

1737.　*December* 16.　WALKINGSHAW *against* KNAPPERNY.

No. 15.

IN a count and reckoning a holograph obligement to account for four tons of wine being founded as a compensation, the Lords were of opinion that the compensation did not stop the running of the twenty years pre-