

improvement of the said estates; and that interest be computed, at the above-mentioned rate, upon the said several sums, from the times when the same were actually disbursed; and that one of the said accounts be set against the other, and such rests be made in taking the same, as justice may require; and that either party do pay to the other such sum of money as shall be found due, on the balance of the said accounts; and if nothing shall be found due to the defender, or upon payment of what shall be so found due, that the defender do reconvey the said estates to the pursuers, subject to the demands of their creditors, and to the leases, and other contracts, as aforesaid, in such manner as the Court of Session shall think fit to direct; and it is also further ordered, That the cause be remitted back to the Court of Session in Scotland, and that the said Court do give all necessary and proper directions for carrying this judgment into execution."

No 54.

1795. February 4. TRUSTEE of DICKSON *against* CREDITORS of RAE.

THE LORDS found, that a creditor who had received partial payments on interim warrants, was not entitled to deduct the expense of obtaining and extracting these, out of his payments, so as to load the common fund.

No 55.

Fac. Col.

*** This case is No 38. p. 13345.

S E C T. XIII.

Effect of conveyance to the Purchaser of the Debts affecting the Estate.

1788. July 10. CREDITORS of HUGH SETON *against* WALTER SCOTT.

THE bankrupt estate of Appine was purchased at a judicial sale by Mr Seton. On the Creditors receiving payment out of the price, conveyances of their debts were made in trust, for the behoof of Mr Seton, to Mr Scott, his agent or man of business. Mr Scott afterward laid out considerable sums of money on Mr Seton's account; and for Mr Scott's farther security, Mr Seton executed deeds by which he consented and declared, that Mr Scott should continue vested with the rights to the Appine debts, until those due to himself were paid.

Alexander Farquharson, the heir of the cautioner for the price of the estate, then obtained from Mr Scott a disposition to the Appine debts, for the sole purpose of securing his relief against that cautionry obligation.

No 56.

The debts affecting a bankrupt estate, conveyed to the purchaser at a judicial sale, upon payment, are extinguished to every other effect, except that of securing the purchaser.