

# APPENDIX.

## PART. I.

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### SEQUESTRATION.

1807. June 10.      MACALPINE *against* MACALPINE.

IN the course of a process depending between Robert Macalpine, spirit-dealer in Glasgow, and his brother James, regarding the property of certain heritable subjects in Glasgow, the Lord Ordinary sequestered the subjects in question, and appointed a factor to uplift the rents.

The defender, who had been in use to receive these rents, presented a petition to the Court against this sequestration ; and when the petition was moved, it seemed to be the opinion of a majority of their Lordships, that a Lord Ordinary, in time of Session, had not powers to sequester heritable property, although the measure seemed very proper in the present instance.

Upon this a petition was presented to the Court by the pursuer, craving that a sequestration should be awarded, which the Court accordingly granted.

Lord Ordinary, *Meadowbank.*      Act. *Jardine.*      Agent, *Jos. Cauvin, W. S.*  
Alt. *Cockburn.*      Agent, *J. M'Glashan.*      Clerk, *Pringle.*

J.

*Fac. Coll. No. 291. p. 664.*

No: 1.  
Sequestration of an heritable property, in a competition, can be awarded only by the Court.