

*Blond*, 533, that according to the English practice, *choses in action* are not liable to creditors, and that they cannot be taken on a *fieri facias*, or under a *sequestration* from chancery, or be at all touched in equity for the benefit of creditors, and most of the cases which have been referred to in the argument before me are cited by him in support of his opinion.

But I apprehend the rule laid down in that case must be taken with some qualification, for when the *chose in action* is in the hands of a third party, who is willing to abide by the order of the court, or who admits it to belong to the person against whom the sequestration has issued, the court will consider it liable to sequestration, and will order it to be paid into court. This is stated to be the practice in 2 *Daniel's, Ch. Pr.*, 1261, after an examination of the cases; but when the amount or the title of the party whose property is sequestered, is disputed by the person holding the *chose in action*, the same author states it to be clear from the cases that the court cannot make an order upon him, and the only question is when the party in possession of the *chose* refuses to admit or dispute his liability, whether the court will authorize the institution of proceedings at law or in equity, for the purpose of enforcing the sequestration. This point is said still to remain undecided. 2 *Daniel's, Ch. Pr.*, 1262.

In *Hoffman's Ch. Pr.*, 157, 158, it is said to result from all the cases, that if the party indebted, or holding the *chose in action* resists, no order can be made upon him. And in *Grew et al vs. Breed et al*, 12 *Metcalf*, 363, the language of *Lord Langsdale* in 1 *Beavan*, 269, is quoted with approbation, in which he says, "that it is only *in a clear and simple case* that a sequestration can be enforced by order, and that in other cases it may be necessary to resort to an action or suit under the direction of the court."

In the case before this court it is very clear that Mr. Ward does not admit that the money in his hands belongs to the person against whom the sequestration issued, nor is he willing to abide by the order of this court. On the contrary, he presents the deed of Betts to him, in trust, for purposes which he sup-