

BLACKWOOD *against* CATHCART.

JOHN Cathcart, merchant in London, having obtained the Chancellor's certificate under a commission of bankruptcy, pleaded it in bar of an action brought against him by Alexander Blackwood.

Objected, That Mr Cathcart was not entitled to the benefit of the certificate, not having surrendered his whole effects, but concealed, *1mo*, A house in Edinburgh; *2do*, A small landed estate in Scotland; *3tio*, Half pay which Mr Cathcart enjoyed on account of a military employment which he had formerly held in the West Indies.

The Lords found so; and therefore found him liable for the debt. But this judgment was reversed by the House of Lords. As to the first, it appeared that Mr Cathcart had gifted the house to his sister, thirty years before the bankruptcy. The landed estate had been adjudged by a creditor for more than its value, who did not accede to the commission; and the third, as half pay, was reckoned not assignable.

---

The ASSIGNEES under a Commission of Bankruptcy *against* GEORGE BUCHANNAN.

*ANNO* 1759, George Buchanan obtained the Chancellor's certificate under a commission of bankruptcy: he had subjects in Scotland, heritable: the assignees brought an action against him, to enter heir in these subjects, and to convey them to the assignees. Objected, The action was incompetent, and unprecedented. But the assignees prevailed.

N.B.—This decision is not approved of.

---

FORGERY.

---

1776. June 15. JAMES SPENCE *against* LAURENCE SPENS.

IN the process, James Spence, treasurer to the Bank of Scotland, against Laurence Spens, Writer to the Signet, for payment of a bond for L. 100, in which Laurence Spens, his father, had become bound as cautioner for one Campbell, (9th June 1760;) Laurence Spens proponed compensation on a holograph promissory-note by James Spence to his father, dated 2d May 1766, for L. 60. James Spence denied that this note was of his handwriting, or subscribed by him. Both parties were examined; and, after a variety of proce-