

Thus, it seems to be settled, that an insolvent person, who is not in the terms of either of the bankrupt statutes, has it in his power to do justice to all his creditors, by dividing his effects equally among them; and, as it was never intended, by either of the bankrupt statutes, to bar the exercise of this equitable power, it is probable, when the principles of equity are better understood than at present, that the Court will sustain every disposition of this kind, even though made by a notour bankrupt.

Sel. Dec. No 249. p. 321.

* * * See M'Master, Inglis, and Company, against Campbell. Fac. Col. 10th July 1788. p. 49. (*voce PROCESS.*)

No 21.

S E C T. III.

Alienations in favour of Conjunct and Confident Persons.

1621. June 15. PATRICK FINLAW against PARK.

AN assignation made by a brother to a brother, the maker being bankrupt, and *statim ante fugam, vel meditatione fuga* declared null, by way of exception, in prejudice of a creditor who had arrested; albeit the arrestment was posterior to the assignation.

Kerse, (CREDITOR.) MS. verso of fol. 56.

No 22.

1622. February 27. DEMPSTER against ———.

IN an action of double pointing, the Lords sustained an assignation made to a confident person by a bankrupt, upon the assignee's declaration, that he took it for the behoof of a third person, who was a creditor, albeit the declaration was disconform to the assignation, and clause therein contained, bearing, that it was made for sums addebted to the cedent himself.

Kerse, (CREDITOR.) MS. verso of fol. 56.

No 23.

1729. March 13. MOWAT against SCOT.

A DISPOSITION of a certain comprising made by one brother to another is quarrelled by another creditor. *Alleges*, No disposition made *inter conjunctas personas*, can prejudice any other creditor, as the act of Parliament bears, made against bankrupts.—THE LORDS declared the clause in the act, only to concern dispositions and alienations made by bankrupts.

Balmanno, MS. p. 54.

No 24.