

No 242. THE COURT, by two consecutive interlocutors, found the defender "barred *exceptione doli* from pleading the benefit of the statute."

Lord Ordinary, *Dregborn.* Act. *Solicitor-General, G. Fergusson.*  
Alt. *Dean of Faculty, M. Ross, Corbet.* Clerk, *Menzies.*

D. D. *Fol. Dic. v. 4. p. 103. Fac. Col. No 40. p. 80.*

\* \* \* This case was appealed :

The following was the interlocutor of the House of Lords :

It is declared, that it is unnecessary to decide upon the question debated before the Lord Ordinary, and decided by his interlocutor, 9th July 1791, and which was affirmed by the Lords of Session 22d November 1792, and 1st March 1793. And it is further declared, that it is unnecessary to decide upon the parts of the interlocutor complained of by the cross appeal, in respect of the transaction, which is proved by the correspondence between the respondents, and the factor of the late appellant and his curators, and which is established to have been approved by the late appellant, whereby he is barred from insisting on the benefit of the act 1695; and on this ground it is ordered and adjudged, that the rest of the interlocutors complained of in the original appeal, be affirmed, with the following variations, viz. in the interlocutor of 22d November 1792, after the word 'barred,' leave out '*exceptione doli*,' and in the interlocutor of 1st March 1793, after the word 'barred,' leave out '*exceptione doli*,' and it is further ordained, that the said cross appeal be dismissed this House.

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D I V I S I O N . V I I I .

Q u i n q u e n n i a l P r e s c r i p t i o n .

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S E C T . I .

P r e s c r i p t i o n o f A r r e s t m e n t s

No 243.

1685. *November 10.* SCHAW *against* M'NEIL.

FOUND, that the act 9th Parl. 1669, touching prescription of arrestments, extends to those arrestments which are laid on in the debtor's own hands, and generally to all arrestments.

*Fol. Dic. v. 2. p. 117. Falconer. Fountainhall.*

\* \* \* This case is No 63. p. 733., *voce* ARRESTMENT.