

FRAUD.

1735. *January 17.* PURDIE *against* LORD TORPHICHEN

A DISPOSITION to a son with the burden of debts not reducible on the act 1621. *Vide* 8th February 1737, Hamilton *against* Petrie, *voce* HEIR APPARENT.

No. 1.

1735. *January 28.* BROWN, or CLERK, *against* MANSFIELD.

A DISPOSITION to trustees for the behoof of creditors, was reduced as to all creditors who had not done diligence, and one of these creditors having charged on an inferior Judge's precept, that charge was found not sufficient to support it as to him.

No. 2.

1735. *February 5.* ROGERS *against* MELVILL.

A BANKRUPT bought goods on trust. The Lords remitted to the Ordinary to enquire and report the several qualifications, particularly what were his circumstances at the time of the sale; for some of us thought that if his debts did not very much exceed his effects at the time, his failing in three weeks would not presume fraud *in consilio*. *Vide* Cave's Case, *voce* BANKRUPT, No. 9.

No. 3.

1736. *November 19.* FISHER *against* CAMPBELLS.

A BOND granted by fraud may be reduced, though the creditors were ignorant of the fraud, if it be gratuitous.

No. 4.