

refused to receive it, that is, to allow him to prove his debt because he had used arrestment in Scotland. The pursuer also quoted the decisions, The creditors of Spence, &c. finding that bankrupts in England complying with the statute had the benefit of personal liberty, and of their *bona acquirenda*, against all debts contracted in England. I gave my own opinion against the assignees, but was pressed by Pitfour to report it for advice, which I did, and the Lords this day unanimously preferred the arrester.

No. 22. 1747, Dec. 5, 8. THOMAS MORISON *against* (GORDON) STRICHEN.

MORISON being incarcerated for a debt due to Gordon by account-current of goods consigned to him at London, and balance of a bill accepted by him, he presented a bill of suspension and liberation upon this ground, that after these debts a commission of bankruptcy was taken out against him, that he had complied with the statute, and given up this among his other debts, and surrendered all his effects, and produced certificate from the Chancery agreeably to the judgment 20th June 1746, Marshall *against* Yeaman and Spence, and Christie *against* Straiton. Continued till Tuesday. (See the sequel in Note, *voce* FOREIGN.)

No. 23. 1748, July 19, 23. M'KINNIE, &c. *against* FORRESTERS.

WE found the charge of fraudulent bankruptcy against George Forrester, and that Robert was partaker with him in his fraud proved, and 23d July declared them infamous in terms of the act 1621, ordered them to be pillored at Glasgow the 10th day of August, with a paper on their breast, "Infamous fraudulent bankrupt," and then banished to the Plantations for seven years.

No. 24. 1749, Nov. 7. CREDITORS OF CASTLE-STEWART *against* MITCHELL.

IN a question of bankrupt, of a disposition whereon there was no sasine, but being to the superior there was a resignation *ad remanentiam*, the Lords found, that in the question of bankrupt the disposition was to be reckoned of the date of the resignation.

No. 25. 1750, July 10. CREDITORS OF JOHNSTON *against* NISBET, &c.

JOHNSTON granted a security to Innes 17th July 1746. He was 16th August committed to prison by Dirleton, but liberate 20th, and on 21st granted a further security to Dirleton, and continued to carry on his business of a merchant as formerly, at least till January 1747, and is now found to have been then quite insolvent. The other creditors quarrelled these two securities. I quoted the case 9th February 1743, Creditors of Agnes Hamilton *against* Henry, (*supra*) on which we got memorials. Though I was against the judgment in that former case, yet I thought it hard that a security obtained by force of diligence, when no other creditors used diligence, should be voided merely by that creditor's own diligence; and therefore thought, where the imprisonment was momentary, and the debtor returned to the *forum*, that was not notour bankruptcy in the meaning of the act. On the vote, it carried to repel the reasons of reduction; *renitentibus* Justice-Clerk and Kilkerran.—9th November, Altered and reduced, in which I concurred. The petition is accurately written. 22d November, Adhered.