

within one year of the offence ; and it was argued, that this limitation must regulate the British statute of the 9th of Queen Anne. The answer was obvious, that however the act of Queen Elisabeth might regulate prosecutions in England, it could have no influence upon the like prosecutions in Scotland ; and so their Lordships determined.

As to the case of Renton *contra* Baillie, as the creditors have not stated the particulars of it, so no answer can be made to it.

The single precedent which can apply to the question in hand, is that of Thomson and Hay *contra* The Earl of Linlithgow ; in opposition to which, the Court has not only a number of cases formerly mentioned, but many others, particularly Philip and Short *contra* Stampfield, No 57. p. 4503. ; Rae *contra* Wright, No 59. p. 4506. ; Fulks *contra* Aikenhead, No 61. p. 4507. ; and Rutherford *contra* Sir James Campbell, No 63. p. 4508.

THE LORDS found, ' That the certificate by the Lord Chancellor produced, does afford a sufficient defence against the debt of L. 218 : 18 Sterling, due by John Galbreath to his brother George, contracted in England ; and therefore repelled the compensation pleaded on said debt.'

Act. *W. Grahame, Lockhart.*

Alt. *J. Dalrymple, Burnet, Ferguson.*

*J. M.*

*Fol. Dic. v. 3. p. 228. Fac. Col. No 92. p. 203.*

1763. *July 22.*

BLACKWOOD *against* CATHCART.

JOHN CATHCART, merchant in London, a bankrupt, having obtained the usual certificate of conformity, was afterwards sued in Scotland by Alexander Blackwood, one of his creditors, who had received his dividend under the commission, but who alleged that Cathcart had been guilty of a fraudulent concealment by not giving up a subject belonging to him in Scotland. The COURT repelled the defence, upon the certificate.

1765. *February 26.*—Upon an appeal this judgment was reversed, as the omission did not appear to be fraudulent.—*See APPENDIX.*

*Fol. Dic. v. 3. p. 228.*

1770. *August 3.*

JEAN COALSTON, Pursuer, *against* ARCHIBALD STEWART, Merchant in Queensferry, Defender.

GEORGE STEWART, the defender's brother, was engaged in trade in London from the year 1737 to the year 1749 ; when, having become bankrupt, a commission was awarded, and a certificate, under that commission, allowed by the Lord Chancellor on the 27th June 1750. George after this went to India,

VOL. XI.

26 A

No 97.

No 98.

No 99.

The Lord Chancellor's certificate upon an English commission of bank-