

1775. *November* . ROBERT DICK *against* HIS CREDITORS.

ROBERT Dick having pursued a process of *cessio*, the Lords, November 1775, pronounced this interlocutor:—"Find the pursuer entitled to the benefit of this process of *cessio*: Ordain him to give in a disposition *omnium bonorum*, and allow his oath to be taken, in terms of the Act of Sederunt; and, for that effect, grant commission, &c. But in respect it appears that the pursuer has not failed in his circumstances through misfortune, but through dealing in illicit trade, and smuggling; therefore refuse to dispense with his wearing the dyvor's habit, and supersede further procedure till his oath is reported, and the disposition given in."

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1777. *July 29.* LIEUTENANT JAMES ENGLAND *against* HIS CREDITORS.

LIEUTENANT James England, late of the 67th regiment, an officer upon half pay, having raised and insisted in a process of *cessio* against His Creditors; this point occurred, Whether a pursuer in this situation is entitled to the benefit of the *cessio*, unless he shall assign and make over his half pay, or such part of it as the Court should think reasonable, in favour of his creditors; (see Commission of Bankruptcy in England, *Cathcart* against *Blackwood*.) Upon this point the Lords having demurred, they appointed memorials,—and this day, (28th June 1777,) they appointed a hearing. The point had been adjudged, 5th March 1768, in the case, *Grierson* against *His Creditors*, *New Coll.* in favours of the pursuer; and again in the case of *Lieutenant Farie*, 1774; and also, as it was said last winter, in the case of *Lieutenant Ferguson*: but still the Lords demurred, and desired to hear further,—and ordered new memorials. This day, 29th July 1777, the Lords, on advising the memorials, found that the pursuer is not entitled to the benefit of the process of *cessio*, unless he shall assign to his creditors his half pay, to the extent, at least, of L.20 *per annum*. The whole was L.38.

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1776. *August 3.* THOMAS FALCONER *against* HIS CREDITORS.

IN a process of *cessio*, Thomas Falconer, merchant in Glasgow, against His Creditors; it appeared that Falconer, while labouring in his circumstances, had applied to the Court for a sequestration of his effects on the late statute; which the Court granted, but, as usual, superseded further procedure for ten days: however, no further procedure was had,—Falconer making no further application, but allowing the matter to lie over, while, in the meantime, he remained in possession; and, being a shopkeeper, disposed of his goods, and converted the price, as he received it in retail, for the use of his family. The Lords, conceiving this of dangerous precedent, and as a contempt of the autho-