

inquire into Calendar's circumstances, and then to do as he should see just. But, in the *first* place, They remitted it to Lord Stonefield *simpliciter*, leaving him to make the remit to the Sheriff in the above terms.

In the case above-mentioned, 11th July 1778, Donaldson against Reid, Lord Kennet's interlocutor was,—Suspends the letters *quoad* personal diligence against the suspender; but, in other respects, finds the letters orderly proceeded. This interlocutor, on the report, the Lords adopted.

1776. December 3.

A PERSON who had obtained a *cessio*, presented a bill of suspension on juratory caution against a charge given him for payment, by one of his creditors called in the *cessio*. The charger answered, that he meant not to attack his person, but his effects acquired since obtaining the *cessio*, particularly,—for he was a horse hirer,—some horses which he had acquired since decret in the *cessio*. It was replied, that it was by these horses he gained a sober aliment; and that a debtor was, in every event, entitled to a *beneficium competentiæ*. The Lords past the bill on juratory caution,* in order that the point might be tried as to the after acquisitions: It being understood, that, in consequence of passing the bill, the debtor was to give a disposition *omnium bonorum*, as in juratory caution, in common form.

* Same in another case reported by Lord Monboddo, 21st November 1777. Same in another case reported by Lord Monboddo, 25th June 1778.

1776. December 3. ISOBEL ROWLEY *against* HER CREDITORS.

In a *cessio bonorum*, law makes no distinction as to the dyvor's habit, betwixt a male and female pursuer; at the same time, it is apparent that the habit prescribed for dyvors, by the Acts of Sederunt, was meant only for males. The procedure in both cases is the same. The above was not mentioned judicially, but occurred in private.

1778. March 4. SIR JOHN DOUGLAS *against* HIS CREDITORS.

SIR John Douglas of Kilhead pursuing a *cessio bonorum* against his Creditors; when it came to be insisted in, there was no appearance for the creditors, and no opposition. Sir John was willing to dispoise every thing, a bond of annuity which he had from the Duke of Queensberry and his half pay as a cornet not excepted: the first was dispoised accordingly,—but, as there was no appearance for the creditors insisting for the last, the Lords excepted it from the disposition, (4th March 1778.)