

to be extended to other cases: it is an *annus continuus*, not *utilis*. Were it otherwise, the Act 1661 also might be in danger.

On the 13th November 1783, "The Lords refused the bill of suspension;" adhering to Lord Stonefield's interlocutor.

*Act.* E. M'Cormick. *Alt.* G. Ferguson.

1783. November 19. JAMES ROBERTSON BARCLAY and OTHERS *against* WILLIAM LENNOX of Woodhead.

BANKRUPT.

Infertment is reducible under the Act 1696, though the warrant be anterior to the right of the creditor challenging.

[*Faculty Collection*, IX. 195; *Dictionary*, 1151.]

JUSTICE-CLERK. The law would be set loose were such excuses received. The judgment of the House of Peers, in the case of *Erskine*, proceeded on this principle, that an insolvent person ought not to be allowed to give partial preferences; and the other alternatives ought to be liberally interpreted.

BRAXFIELD. We ought not to be too critical in interpreting this act, for it has no effect unless there be a bankruptcy.

On the 19th November 1783, "The Lords found sufficient evidence that Mr Robertson had absconded, and fell under the description of the Act 1696;" and therefore sustained the objection.

*Act.* C. Hay. *Alt.* Ilay Campbell.

*Reporter*, Ankerville.

1783. November 19. JAMES ROBERTSON, BARCLAY, and OTHERS, *against* RACHEL SPOTTISWOOD.

BANKRUPT.

A precept of sasine granted by a bankrupt in implement of marriage-articles, long prior to the bankruptcy, falls not under the sanction of the statute 1696.

[*Faculty Collection*, IX. 193; *Dict.* 1177.]

JUSTICE-CLERK. If a man lends his money on heritable security, and, either