

On the part of Sir John Anstruther it was *maintained*, That he had the same title to be ranked, as if he had advanced to Messrs Fall the contents of his acceptances, taking their obligation to repay him at the expiration of a certain period.

No 38.

Prior to the appearance of Sir John Anstruther in the cause, the LORD ORDINARY pronounced this interlocutor :

“ Finds, that Sir William Forbes and Company are entitled to be ranked for their whole debt, as it stood at the date of the sequestration, without previously imputing thereto the sums they have received since the sequestration, upon the bills indorsed to them in security before the bankruptcy ; and so far repels the objection.”

Sir John Anstruther having afterwards appeared and stated his claim, his Lordship took the cause to report ; when

“ THE LORDS found, that Sir William Forbes and Company are entitled to be ranked for their whole debt as it stood at the date of the sequestration, without deducting the payment since received from the bills indorsed to them in security : And found, That Sir John Anstruther is entitled to be ranked for the debts due to him by Messrs Fall, arising from the bills he paid to Sir William Forbes and Company.”

A petition reclaiming against this judgment was refused without answers.

Reporter, *Lord Dreghorn.* For the Trustees, *Buchan-Hepburn, M. Ross.*
For Sir William Forbes and Company, *Rolland.* For Sir J. Anstruther, *Wight.* Clerk, *Home.*
S. *Fol. Dic. v. 4. p. 243. Fac. Col. No 136. p. 267.*

1791. March 2. GRANT *against* CREDITORS of GRANT of Carron.

No 39.

THE COURT in this case, (not reported in the Faculty Collection), decided again in conformity with the cases of Auchinbreck, No 34. p. 14130., and of Douglas, Heron and Co., No 35. p. 14131. See APPENDIX.