

No 195. may any way be attended with a consequential damage or benefit to some of the creditors.—THE LORDS preferred the annualrenters.

*Fol. Dic. v. I. p. 83.*

1728. July 19.

SMITH *against* TAYLOR.

No 196.

A DEBTOR, within 60 days of his bankruptcy, delivered to one of his creditors, lint, dales, &c. in payment and satisfaction *pro tanto*.—Against a reduction upon the act 1696 it was *pleaded*, That the act reaches not moveables, the commerce of which ought to be free.—THE LORDS found the reduction relevant to oblige the defender to restore the goods or the value.

*Fol. Dic. v. I. p. 83.*

1729. February 4. ECCLES *against* CREDITORS of MERCHIESTON.

No 197.

THE narrative of an assignation by a bankrupt, bearing money instantly advanced; it was put to the assignee, whether it was not in security of a prior debt? He declared, that when he lent his money, it was covenanted that he should have the assignation, as part of his security; but when the money was lent, and the bond written out, the assignation was not ready, but that it was delivered to him about a week thereafter.—THE LORDS found the assignation fell under the sanction of the act of Parliament.

*Fol. Dic. v. I. p. 83.*

1733. January 25. BUCHANAN *against* BAILIE ARBUTHNOT.

No 198.

Payment in cash does not fall under the act 1696.

A NOTOUR bankrupt having assigned a bond to a trading company for ready money, and having applied some part of the price for payment of a private debt due by him to one of the company; and it being *contended* that this was truly a voluntary assignation for satisfaction of a creditor; *answered*, The assignation was to the company for ready money, and not reducible; and payment thereafter out of the price to one of the company, was the same as made to a third party, and therefore effectual, unless it could be said, that actual payment is reducible upon this act.—This case was found not to fall under the act 1696.

*Fol. Dic. v. I. p. 82.*

No 199.

Payment in cash cannot be reduced on either of the statutes 1621 or 1696.

1751. January 26. FORBES *against* BREBNER and Others.

GEORGE FORBES being creditor to David Farquhar in L. 193 Sterling, arrested in the hands of George Elmillie, and obtained decree of furthcoming for L. 94,