

1738. *January 10.* CREDITORS of PATERSON, *Competing.*

No. 13.

EXECUTING a caption, and taking a bond of presentation, is imprisonment in the construction of the act 1696? *Referente* Newhall without informations. *Vide* Mr Paterson of Prestonhall's case, *voce* COMPETITION. *Vide* PRISONER.

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1739. *January 6, 18.*

CHALMERS *against* M'ALLA, and OTHER CREDITORS of STEWART.

No. 14.

A DISPOSITION of household furniture before bankruptcy, but *retenta possessione* till after the granter was bankrupt in terms of the act 1696, and then completed by possession before it was attached or affected by any other creditor, was however reduced at the instance of a creditor who had arrested two days after, as had been done February 11, 1727, Creditors of Whitehall against Colvill.

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1739. *February 1.* CREDITORS of MATHIESON *against* CARLILE.

No. 15.

TRUSTEES for a bankrupt's creditors having sold his houses by roup, and the purchaser having possessed five or six years, and paid part of the price; the sale sustained, notwithstanding a prior inhibition by one creditor, because he could not qualify any damages. See INHIBITION.

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1740. *November 7.* KIRKLAND *against* MILLER.

No. 16.

A DISPOSITION *omnium bonorum* being granted by a person insolvent to his creditors, whereof the father was the principal, containing also a corroboration of their debts, upon which the creditors afterwards poided the effects; the Lords agreed, that though he was not in terms of the act 1696, the disposition would not exclude the other creditors from coming in *pari passu* (for they had used no diligence,) were it not for the poiding: And the President and Arniston thought the bond also reducible, whereby the poiding would fall in consequence, though the defender had also *parata executio* on the original debts corroborated; but all the rest were of a different opinion, and found it not reducible.