this is owing partly to my not comprehending exactly the import of his reasoning, and partly to the fatigue and heat which I suffered.]

HENDERLAND. This question occurs in a competition of creditors, and the principal debtor appears. The negative prescription is objected. *Answer*, The statute does not apply to English debts: the statute is a Scots statute: it cannot go beyond its territory: from the nature of the obligant power, it could not affect strangers. Can we say that a Scots law is to regulate the conduct of Englishmen? We must judge by our own law; but we must judge only of what falls under that law. We never can extend our own law into other countries. The York Building Company, it is said, have had estates in Scotland for forty years: this makes no difference. Had they not bought lands, the purchase-money would have been in England: had they sold the estates, the price would have increased their stock in England. The English creditors cannot be hurt by this when they make their claims. I admit that the cases of *Randal* and the *Earl of Home* are puzzling; but I suppose that in them the defenders had no domicile in England, and that the Court determined on that circumstance.

On the 30th July 1783, "The Lords found that the negative prescription took place."

Act. Ilay Campbell, &c. *Alt.* H. Dundas, &c.

Reporter, Monboddo.

Braxfield (in the chair.)

Non liquet, Alva: Justice-Clerk did not vote by reason that his son was a creditor of the York Building Company.

1783. *November* 13. ROBERT CAMPBELL *against* DAVID HENDERSON.

HEIR APPARENT.

Though the ancestor die in the most distant parts, no addition is to be made to the *annus deliberandi*, on account of the time elapsing between the death and the notice of it obtained by the heir.

[*Faculty Collection*, *IX.* 189; *Dictionary*, 5292.]

SWINTON. This question is not as to *common law*, but as to *statute*.

JUSTICE-CLERK. Whenever any insupportable inconveniency arises from the statute, the legislature, in its wisdom, will afford a remedy.

PRESIDENT. The Court must act according to the statute. The same sort of inconveniency occurs in other cases, and it is not complained of. Thus, a summons at shore and pier is good, when the party is out of the kingdom, although in the East Indies. Yet such summons can serve no purpose for informing the party.

BRAXFIELD. The *annus deliberandi* is a personal privilege to heirs, and is not

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.

Infeftment 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