

according to the law of the country where he is residing at the time. Thus, intromission by a Scotsman with goods in England belonging to a Scotsman who died in Scotland, without confirmation here, was found no passive title; but only to subject the intromitter *in valorem*, agreeable to the law of England, where the intromission happened; Archbishop of Glasgow *contra* Bruntfield, No 16. p. 4449. If a different law were to prevail with respect to marriage, this absurdity would follow, that parties might be held as married in one part of the united kingdom, and not in the other.

No 102.

In the case of Forbes *contra* the Countess of Strathmore, the cohabitation in Holland was not held sufficient to establish the marriage; for not only was the acknowledgment of the parties in that case much stronger and more explicit than in this, and their cohabitation of a longer continuance; but there was also strong presumptive evidence, that an actual marriage had been celebrated in Scotland.

There is here no proof of an actual marriage, but strong presumptions to the contrary. There is no proof of any acknowledgment or cohabitation, except what happened in the Isle of Man; and the whole of the defender's behaviour, both before he went to that island, and after his return, was contradictory to the supposition of a real or an acknowledged marriage. It was not necessary for him to contradict every idle report, or to set every one right who had conceived a false opinion.

'THE LORDS remitted the cause to the Commissaries, with instructions to find the marriage proved.'

Act. Garden, Lockhart.

Alt. Alex. Murray, Hamilton-Gordon, Miller.

This judgment was reversed by the House of Lords, and the marriage found not proved.

W. J.

Fol. Dic. v. 3. p. 231. Fac. Col. No 168. p. 298.

1776. August 6. JACOB and JOHN RHONE *against* PARISH and SCHREIBER.

TURNER having become bankrupt in Bremen, the Senate, according to the custom of that place, took the management of the bankrupt's effects. The creditors appearing before the Senate, chose certain of the Senators trustees for the behoof of all. Certain of these creditors having arrested in the hands of the bankrupt's debtors in Scotland, *contended*, that this foreign act, though acceded to by them, could not be effectual *extra territorium*, and urged a claim of preference on their arrestments. The trustees comparing, THE LORDS, on a hearing in presence, found the arresters were precluded from all preference on their diligence by their accession to the foreign deed of trust. See APPENDIX. See Note under p. 757. See No 89. p. 4561. Fol. Dic. v. 3. p. 229.

No 103.