Make their Defences against the same if they any have: as that the pursuer Deserves no Commiseration, because he is a fraudulent Bankrupt and has concealed his Effects. [It was formerly a good Defence] 2do That he hath not been detained so long in prison as the Creditors could have time to Enquire and search out his Deceitfull Conveyances, or the Squalor Carceris Induce him to be Ingenuous; [But that cannot now be urg'd, Act of Sedert. 25 July 1735.] &c. And a term will be assigned to the Creditors for proving their Allegations, if sustained Relevant.

If no Defence be made by the Creditors, or their objections be Repelled, The pursuer's oath is taken in the terms following: If he hath any lands heritages sums of Money goods or gear belonging to him, more than is contained in the Disposition and Inventory produced in process; If since his Imprisonment he hath Made any other Disposition than that which is produced; If he hath made any other before his Imprisonment; And if he acknowledge that he hath made any other Disposition before his Imprisonment that he Condescend upon the same. He is also to depone, if since his Imprisonment he hath put out of his hands any money goods or Gear belonging to him. Act of Sedert. 8 feb. 1688. He is farther to Depone, if he hath Cancelled or put out of his hands any writes since his Imprisonment; and if he acknowledge the same, must Condescend what these writes were. Act of Sedert. 18 July 1691. The Reason why he is Made to swear if he hath made any Disposition since his Incarceration is partly because he might have Designedly [illegible] himself in favour of one Creditor to the prejudice of the Rest, and by Collusion with that Creditor preferred, got himself in Prison in order to give a B[illegible] which he could not formerly have done if at Liberty; ~~[illegible]~~ ; partly, for that the Disposition might be Reducible upon other heads. Some of the Customs of France Require also that the Debtor should promise upon oath, that if ~~[illegible]~~ happens to be in better Circumstances, he will faithfully pay his debts. Les Loix Civiles &c. ibid. Sect. 5 Art. 5.

After the pursuer hath sworn, the process is again Called and a Decreet of Bonorum Craved. Against which the Creditors may object if they see Cause, 1o That the oath is not Conform to the formula. But tho the pursuer hath adjected this Quality, that he hath put nothing away during Imprisonment, but what was Necessary for his Interim Subsistance, that will not bar him from liberty. 2do Seeing the oath was not given to him upon the Defender's Reference, but only by the Judge, the Creditors may Redargue the same by any thing Instantly verifyed, as by producing another Disposition since his Incarceration than what is acknowledged in the oath; or a disposition a little before his Imprisonment, which is declared to be Collusive; but all Defences in this State of the process must be Instantly verified; because they should have been proponed at the first Calling of the Cause for taking the pursuer's oath, when the Creditors would have had a term to prove.

A Decreet of Bonorum when pronounced contains a warrant for a Charge to set at liberty [If the Debtor be in prison], but that the Dyvour may be distinguished with Shame and Ignominy, in order to [illegible] the greater difficulty and frequency only [illegible] Cessio [illegible] ing the person who obtains it to take on and wear the Dyvour habit, which is a Coat or upper Garment to cover his body and arms, whereof the one half is yellow and the other brown, with such a particoloured hood or bonnet to be worn on his head, and hose or stockings on his legs conform to a pattern delivered to the Magistrates of Edinburgh, and kept in their Tolbooth. The Magistrates of the Burgh where the [illegible] obtained the Bonorum [illegible] his Creditors are discharged to set him out of prison till he be put in the said habit of Bankrupts and come out [illegible] the mid[illegible] ten and twelve in the ~~[illegible]~~ forenoon to the Market Cross, where he is to be set for the space of an hour upon a stone appointed for that purpose called the Dyvour Stone, Acts of Sedert. 23 January 1673 & 17 July 1688. Which answers to Lapis scandali vel Vituperii the Stone of Scandal raised in the great portal of the Capitol in old Rome, upon which the Ceremony of Bankrupt being seated bare breeched, cried with a loud voice, Cedo bonis, I surrender My Effects, and Striking his breech violently three times on the Stone, was acquitted, Chambers Universal Dictionary on the word Scandal. Bankrupts are thus treated, that they may be known to be persons that deserve No trust, and others affrighted by their Shame from Contracting Debts they are not able to pay. Nor is the Dyvour any longer free from personal Execution, than while the habit is upon him and visible to all who converse with him. for it is lawfull to any Creditor to Imprison him if