

Off found wanting the Habit d. act of Seder. ²³ January 1673
 Stair lib. 4 Tit. 52 § 34 Or disguising the same d. act of Seder. 8
 July 1688. If the Certificate of the Magistrates produced in Justice
 titles, bearing that the Dypour had been a Month in prison he dis-
 prove, or if they do not observe the order aforesaid in his liberation,
 they are liable to pay the Debt for which the Dypour was committed
 to prison d. act of Seder. 8 July 1688. If the oath of the Dypour, that
 he granted no other disposition be there after Recourged, the Decree
 of Bonorum is void, and he is Incapable for ever to enjoy the Benefit
 of a Cession of Goods act of Seder. 8 Feb. 1688. Which the Lord Stair
 (lib. 5 32) understands of the arguing his oath in a late Dispo-
 sition granted by him, and not by an old Disposition which the
 Deponent is presumed to have forgotten, and therefore should not
 forfeit the benefit of a Bonorum, because of the frailty of his
 Memory.

Seeing Cessio Bonorum is an Extraordinary Remedy, and
 goes to persons become captives on some extraordinary occasion
 without their own fault or fraud, and extending favour upon such
 account; that benefit ought not to be given to Fraudsters,
 who at any time had taken indirect ways to wrong their
 Creditors; Vid. 3 July 1678. See contra the Creditors observation
 Dirlatons And the same case in a receipt of Cessio
 Bonorum to dispense with such persons bearing the Dypour
 Habit, as they knew or were informed by famous Testificates
 to have become innocently Insolvent thro' meer Misfortune
 and great Losses, without their fault: thinking it reason-
 able to Discharge them from that of Debtors
 who are reduced to make a Cession of their goods by their
 own Inavery or bad Conduct. Nov. 135 in praes. Stair lib. 4
 Tit. 52 § 34. 12 Feb. 1675 Finners Suppliant observed by
 Dirlatons 26 June 1675 Langlands Suppliant observed
 by Dirlatons 3 Decemb. 1676 Ruther found contra Madel
 observed by Dirlatons. But now the Habit cannot be dispen-
 sed with, unless in the Summons and process of Cessio, the
 Bankrupts falling thro' Misfortune be Lybelled Sustained
 and proved. act 5 Sept 6 Par. R. W.
 The Cession of Goods does not Discharge the Sureties of
 him

him who hath made it, l. 21 § 3 In fin. l. 60 De fide j. And acquits the other
 only for so much as the Goods which he delivers, up amounts to, and
 does not exempt him from remaining still de bar for the overplus
 l. 1 C. Qui Bon. sed. poss. The goods which the Debtor may chance to
 acquire after the Cession, will be subject to his Creditors for what
 remains unpaid of their debts l. 7 Jusin. C. Ed. 9 July 1668 Booy
 contra Dirlatons. So be, they leave him what is barely necessary for
 his food and Raiment l. 4. l. 6. C. De Cess. Bonorum. Nor doth a Cession
 Bonorum prejudice any Creditor of his Diligence N. G. of what
 ment he had used before, Spotswood Pral. de Cessio Bonorum
 But now Actions of Bonorum are very rare since the Law
 act 32 Sept 6 Par. R. W. Allowing prisoners for Civil debts
 Making faith before the Magistrate that they are not able to
 Maintain themselves, to be set at liberty if not Alimanted by
 the Creditors.

In England the Benefit of Cession of goods is allowed to a
 person by any General Law, except in the case of Bankrupts,
 who by Surrendering themselves and making a full and inge-
 nuous Discovery of all their goods or estate, and of all books
 papers and writings Relating thereto, and delivering up to
 Commissioners appointed for that purpose, all such goods
 or estate books and papers as at the time of their Examination
 shall be in their power, and in all other things conform them-
 selves to the act of Parliament, are discharged from all debts owing
 by them at the time of Bankruptcy. Vid. Stat. 4 & 5 Ed. 1 Cap. 17

In some times poor prisoners are dis-
 charged from their debts by particular acts of Parliament
 they complying with the Conditions therein Acted in. Vid.
 Stat. 6. Cap. 1.

Sed. 4.
 Concerning the Act of Grace.

Because Magistrates of Burghs were troubled and over-
 charged with persons thrown into their prisons who had no
 thing to Maintain themselves, but behoved either to Starve, or
 be a Burden upon the Church. A Law was made, that if any
 prisoner for a Civil debt make faith before the Magistrate,
 that he is not able to Alimend himself, the Magistrate may
 Intimate the same to the Creditors at whose Request he was
 committed or is
 Detained