

Understood of being Instrumentary witnesses. But Sir George  
 Mackenzie (Clerk or de iure) says, that he never heard any  
 writ (issued for that one of the subscribing witnesses was  
 probable upon such a head; unless he had been expressly  
 infamous by the Lords sentence as J. Major was 2<sup>d</sup> Febr. 1697  
 In rot 26 Judica contra Major. Sir George Mackenzie (Clerk  
 is of opinion, that a Bankrupt giving himself out for a  
 Rich Merchant in order to get Credit, or any pecuniary benefit  
 for him under that name may be punished and punished  
 inquam Galfarius. As respects to the fraudulent deed  
 of a Bankrupt and his advisors and assistants. Law says  
 Understood these to be assistants of a Bankrupt, who  
 knowing his Design furnish him hopes to make his escape  
 or who carry off his goods, or who stop his being Approch-  
 ed, or who receive him when Approch'd. I am not as yet  
 to his length with some of the Doctors, the favourers  
 of their case who but send their advice to a person  
 that had resolved before to cheat his Creditors, from  
 the case of such as by their Counsel Influence and  
 Inclination to such an unjust action. Both which are in  
 my opinion Equally Culprable, as having Equally done  
 Endeavour to promote a Deceitful project. Sir George  
 Mackenzie (Clerk) starts the doubt, if an Advocate may be  
 Examined upon his having given advice to his Client to  
 Defraud his Creditors. To which he answers in General  
 that no Advocate can be obliged to Depose upon anything  
 that may bind guilt or Infamy upon himself or  
 doth punish fraudulent Bankrupts by banishment  
 or other ways (save the Executed) as the Lords of Session  
 shall see cause act 3<sup>d</sup> sess. 6. Carl. II. A fraudulent  
 Bankrupt was Declared infamous, and ordered to be  
 Carried from the Gallies and set upon the Ground  
 in the forenoon with a paper on his breast con-  
 taining in great letters these words a fraudulent

Bankrupt; and within eight days thereafter to be trans-  
 ported out of the Prison of Edinburgh by one Sheriff to  
 another till he be listed in the Gallies of Glasgow where  
 the Bankrupt had been a trading Merchant. And the  
 next market day after his coming to the Gallies of Glas-  
 gow; to be set on the Pillory there to remain for the above  
 space of an hour without Cover and to be with a paper on  
 his breast bearing the Inscription a fore said. Which sentence  
 was ordered to be Executed by the Respective Magistrates  
 and Sheriffs. After Execution whereof at Glasgow, the Bank-  
 rupt was ordered to be Imprisoned there till he pay the  
 prison dues both of Edinburgh and Glasgow. But upon  
 payment of those prison dues, the Bankrupt was ordered  
 to be set at liberty, not with standing of any writs  
 for debt; he having been Committed to prison for the  
 of fraudulent Bankrupt; and was Declared and Appointed  
 to be free for the space of eight days after his liberation,  
 from any Captivity and messengers were Discharged to  
 enter any Caption against him during that time 16<sup>th</sup> Janu-  
 ary 1724. Murdoch Graham and Robison contra Cowan. Major  
 in Glasgow that he might provide for his own sa-  
 fety from Diligence the best way he could Discover his  
 who Contracted great sums of Money with three Months  
 after his absconding, and did not keep or at least provide  
 any fair Book of his Dealing nor any Copy Book of letters  
 written by him or to him for clearing the Conscience of his  
 Correspondents; nor Invoices of the good part himself  
 abroad; was found to be a fraudulent Bankrupt. It  
 was not proved that he had withdrawn his effects from  
 the Diligence of his Creditors, farther than that there  
 appeared no visible cause for Exhausting his stock  
 and Contracting so considerable debts; July 1713 Stuart  
 contra Balyburton. A person who having Managed  
 an extensive Trade does keep no regular Book by  
 himself or a book keeper, and bought goods and drove  
 his