

a treatise on the law of bankruptcy in scotland

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Explore a comprehensive and authoritative treatise on Scotland's bankruptcy law, offering a detailed examination of Scottish insolvency legislation and its practical application. This invaluable legal guide provides crucial insights into the complexities of debt relief and financial restructuring specific to the Scottish legal framework, making it an essential resource for practitioners, academics, and anyone seeking a deep understanding of the subject.

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A Treatise on the Law of Bankruptcy in Scotland

Reprint of the original, first published in 1863. Comprehending a treatise on the law of insolvency, notour bankruptcy, composition contracts, trust deeds, cessios, and sequestrations. With annotations on the various insolvency and bankruptcy statutes. And with forms of procedure applicable to these subjects. Third edition.

A Treatise on the Law of Bankruptcy in Scotland

Excerpt from Manual of the Law of Insolvency and Bankruptcy: Comprehending a Treatise on the Law of Insolvency, Notour Bankruptcy, Composition-Contracts, Trust-Deeds, Cessios, and Sequestrations
A claim may be established or cut down by three kinds of evidence: 1. By writing; 2. By oath and, 3. By witnesses. The debt may in all cases be proved or disproved by writing or oath it may be proved by the writing or oath of the debtor, or disproved by the writing or oath of the creditor. But proof by witnesses is more. Circumscribed for while, as a general rule, all contracts may be so proved, yet, where there has been no consideration for the debt, it can only be evidenced by the writing or oath of the debtor. The first mode of proof is incomparably the best for the pos session of a writing - such as a bill of exchange - enables the creditor Within a week to put the debtor in prison or attach his goods. N O process is required to constitute the debt - the mere possession of such a document puts the debtor, and not the creditor, in the position of pursuer; for if the debtor has any objection to the debt he must raise a process of suspension at his own instance, and before he is allowed to proceed he must, as a rule, consign in court the amount of the bill, or find secu rity for the payment of it. When no such writing exists, but the debt stands on an open account, a regular process for Oh taining a decree must be raised by the creditor, during which the debtor may, if he is so disposed, put the creditor to vast expense and trouble: he may take advantage of all the forms of court he may have a pleading at every stage he may cause the creditor to prove his whole case; and, in addition to this, the creditor, in such instances, always runs the risk of losing the evidence of his witnesses from death and other causes. Where the creditor has no such document as a bond or a bill, but requires to raise a law process for the purpose of obtaining such judgment or decree, the result is to put him in the same position practically as if he had had a bond or bill. This process must be raised in Scotland. No process raised in any foreign court against a person whose domicile is in Scotland is of any avail. In matters of civil jurisprudence, England, Scotland, and Ireland are foreign countries to each other. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our

edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

A Treatise on the Law of Bankruptcy in Scotland. With an Appendix Containing Statutes ...

This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1845 edition. Excerpt: ... ditor has only got a dividend, pursue him for the full counter debt. Baillie v. Young, 22d Dec. 1837, 16 S. 294. This was a very peculiar case. The bankrupt had been discharged on a composition contract. Having paid a composition on certain bills, he obtained decree for a debt in an action against the person standing in right to them, the cause of action having arisen before the sequestration. It was on these facts found by verdict of a jury, that the bankrupt's discharge was fraudulently obtained, and it was reduced quoad the interest of this particular creditor. The result was, that compensation being allowed to act, tho bankrupt was found to be still debtor in the excess of the claim against him over that for which he had obtained decree against the creditor, deducting the amount of the composition. When there is a concurrence of debts before bankruptcy, it is essential to the principle of compensation, that neither the creditors at large, nor the bankrupt himself should be entitled to exact full payment and give only a dividend in return. sect. 2. retention of money. Retention distinguished from Compensation and Lien.--The proper foundation of the law of compensation is, not that the party pleading it has a security for payment of his debt, or is in possession of a fund out of which he may pay himself, but that by the concurrence of debt and credit both debts are paid and extinguished. It is hence a necessary element in the operation of compensation, that both the debts should be liquid at the time when the compensation exists. But there are circumstances in which a person may retain money he is due to another in security for a liability of that other person not yet liquid and exigible; and as this cannot proceed on the principle of a...

A Treatise on the Law of Diligence

This book brings together for the first time in context the law on bankruptcy and company insolvency in Scotland and provides a concise treatment of this complex subject.

A Treatise on the Law of Partnership and Joint-Stock Companies, According to the Law of Scotland, Etc

Unlike some other reproductions of classic texts (1) We have not used OCR(Optical Character Recognition), as this leads to bad quality books with introduced typos. (2) In books where there are images such as portraits, maps, sketches etc We have endeavoured to keep the quality of these images, so they represent accurately the original artefact. Although occasionally there may be certain imperfections with these old texts, we feel they deserve to be made available for future generations to enjoy.

A Treatise on the Law of Bills of Exchange, Promissory Notes, and Letters of Credit in Scotland

Excerpt from A Treatise on the Law and Practice of Bankruptcy: Under the Act of Congress of 1898 and Its Amendments Same; Laws Regulating Assignments for Creditors. Practical Effect of Suspension of State Insolvency Laws. Pending Proceedings Under State Laws. Nature and Effect of Proceedings in Bankruptcy. Foreign Bankruptcy. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

A Treatise on the Law of Bankruptcy

Bankruptcy (Scotland) Act 2016 (UK) The Law Library presents the official text of the Bankruptcy (Scotland) Act 2016 (UK). Updated as of March 26, 2018 This book contains: - The complete text of the Bankruptcy (Scotland) Act 2016 (UK) - A table of contents with the page number of each section

A Treatise on the Law of Bills of Exchange, Promissory-notes, Bank Notes, Bankers' Notes, and Checks on Bankers, in Scotland

The law of diligence is concerned with the execution and enforcement of judgments and has application in virtually every area of Scots law, especially in the fields of commercial law, legal procedure and social and family law. The Debtors (Scotland) Act 1987 is taken into consideration.

Manual of the Law of Insolvency and Bankruptcy

This is a detailed legal treatise on the bankruptcy laws of England, written by barrister Francis Whitmarsh. The book provides a comprehensive overview of the legal framework surrounding bankruptcy, as well as guidance on the procedures and precedents that govern bankruptcy cases. Lawyers and legal scholars will find this book to be an invaluable resource. This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work is in the "public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

Manual of the Law of Insolvency and Bankruptcy

The Law of Bankruptcy, Insolvency, and Mercantile Sequestration, in Scotland