No. 11. 1739, Feb. 7. SINCLAIR *against* CREDITORS of HER HUSBAND.

THE question occurred, that was determined 5th July 1726, Spreul of Milton against Sir James Grant, Whether an arrestment for a husband's debt, of an heritable debt due to the wife, that is, a bond bearing annualrent, carries the whole *jus mariti*, or only the bygone annualrents?—The Lords found, eight to five, that the arrestment affects only the bygone annualrents then due. The President, Royston, Arniston, &c. were in the majority.

No. 12. 1739, June 26. JOHN TUACH *against* M'KENZIE.

THE Lords found, that the arrestment by the reverser's creditors, does not affect the consigned wadset sum, so as to prejudge the redemption and hinder the declarator.

No. 13. 1739, Nov. 20. CREDITORS of SCOTT *against* EARL of ABERDEEN.

THE Lords had no sufficient evidence of the practice of raising forthcoming before executing the arrestment, and therefore would not determine that point; but they generally inclined, if such was the practice (of which I much doubted) not to alter it;—but then they determined another very general point, viz. that the arrestment 1729, in the hands of Blair Younger, affected the subject, notwithstanding he was not then served heir, in respect he was the apparent-heir, and *sustenebat personam defuncti*, and *hæreditatem jacentem*; and therefore adhered to the Ordinary's interlocutor, repelling the objection; —and I own I cannot find out another method of affecting a personal moveable debt due by a defunct bankrupt at the instance of the creditor of his creditor. Arniston was of the opinion of the interlocutor; but seemed to think there is another way in law of affecting, viz. by adjudication; but if this be competent, I doubt at least it is not practiced.

No. 14. 1740, Jan. 16. SIR ROBERT GORDON *against* SIR H. INNES.

THE Lords found the sums in Ludovick Gordon's bills on Ramsay and Strachan, affected by Harry Innes's arrestment in Falconer's hands, to whom the bill was indorsed, and I think rightly, though I also should have thought that an arrestment in Ramsay and Strachan's own hands would have affected them, and that in a competition betwixt two such arrestments the first must have been preferred.—13th February, The Lords pretty unanimously adhered, except Drummore, who was for a re-examination.

No. 15. 1740, Nov. 7. ROBERT BIGGAR *against* SIR ROBERT PRINGLE.

THE Lords found the defence upon the game act relevant to be proved by the oath either of Mr Alves, the common debtor, or Mr Pringle, his trustee, in the bill against Sir Robert Pringle, a creditor of Mr Alves arresting.

No. 16. 1741, Jan. 21. A. *against* B.

ON report of Lord Arniston, the Lords found, that an arrestment on a registrate bill, bearing "ay and until the arrester were paid" of the principal sum in the bill, without mentioning annualrent, bygone or in time coming, could carry no more in a competition of creditors than the neat principal sum.