

ARRESTMENT.

1774. *November.*

MACLAINE *against* DUNCANS.

It is a practice in the Court of Admiralty to take out a blank precept, and thereupon to arrest, even before the precept is executed. Thus a party's goods are arrested before he knows, and for a debt of which he knows not the amount, and therefore cannot easily loose the arrestment.—THE LORDS found this practice illegal and oppressive, and decerned for damages against the arrester.

Fol. Dic. v. 3. p. 39.

No 11.

* * By 33d Geo. III. c. 74. § 3. an arrestment may be used upon an unexecuted summons, although the debtor be not bankrupt in terms of the act 1696, c. 5. See JAMES THOMSON, Common Agent of the Creditors of Neil Campbell, 10th March 1798. Fac. Col. No 70. p. 160. *voce* BANKRUPT.

Formalities of Arrestment.

1533. *November 28.* The KING *against* ROBERT LUMSDEN of Mather.

GIF ony officiar or serjand commandit and send be ony perfoun or judge havand powar thairto, arreiftis cornis pertening to ony man for ony cause, and efter he has lauchfullie arreiftit the famin scheiris, winnis, leidis, and stakkis the famin cornis upon the ground quhair thay grew, he doand the famin is understuid to mak lauchful intimatioun thairby to the awner of the saidis cornis, that he may not thairefter alledge or pretend justlie ony ignorance of the making of the said arreiftment.

Balfour, (ARRESTMENT.) p. 538.

No 12.
Taking possession of the goods arrested, is sufficient intimation.

1566. *January 9.* WILLIAM SEYFOUN *against* WILLIAM FORBES.

GIF ony perfoun causis ony arreiftmentis to be made upon ony man's cornis, gudis, or geir, he aucht and fould denunce and intimate the famin to the awner thairof, utherwayis gif na intimation be maid, it is leasum to the awner to dispone upon the saidis cornis, gudis, and geir, at his pleasour, notwithstanding of ony arreiftment maid thairupon.

Balfour, (ARRESTMENT.) p. 538.

No 13.
If the owner receive no intimation, he may lawfully dispose of the goods notwithstanding of the arrestment.