

ARRESTMENT.

1735. *January 16.* THOMAS GRANT *against* JAMES WATT.

THOUGH an assignation be not intimated, the assignee creditor may arrest, and his arrestment is preferable to a subsequent translation by that assignee, though his debt be constituted only by a decret holding that assignee as confessed; but an arrestment being on a dependance, if the citation be null, and so no dependance, the arrestment falls in consequence.

No. 1.

1735. *June 10.*

ROBERT ORR AND JOHN SIBBALD *against* HARVIE.

A CREDITOR upon a forfeited estate, whose debt was affirmed, having failed, one of his creditors, Sibbald, arrested in the Court of Exchequer, and in the Receiver-General's hands; but, before the price of the forfeited estate came into the Receiver's hands, Harvie arrested only in the Receiver's hands, and that after the price came into his hands. A third, Orr, got an assignation, and intimated it in the Exchequer, and to the Receiver and his depute, but before the price came in his hands. The Lords preferred Harvie the last arrester, to Sibbald the first; but they preferred Orr the assignee to Harvie the last arrester. See COMPETITION.

No. 2.
In whose hands an
arrestment ought
to be laid.

1735. *June 19.* ENGLISH *against* WILSON.

ARRESTMENT on a horning preferred to a prior arrestment on an admiral's precept.

No. 3.