

No 68. Sir James the time of Wilfon's; for, if the money was Sir James's, it is duly arrested, and must be made furthcoming to Lockwood; but, if it was not, then his arrestment could not affect it.

THE LORDS found the arrestment, laid on in the clerk's hands by Richard Lockwood, upon the 12th and 13th of November 1736, preferable to the arrestment laid on by William Wilfon in Kirnan's hands, upon the 18th November 1736.

*C. Home, No 97. p. 154.*

1739. *January 10.*

No 69.

Arrestment in the hands of the treasurer of an incorporation, is a competent mode of affecting a fund in the possession of an incorporation.

JOHN KEIR, Treasurer to the Trades Maiden Hospital, *against* the CREDITORS of MENZIES of Lethem.

IN a competition between the several arresters and assignees, to a debt due by the Maiden Hospital to Menzies of Lethem; the LORDS, after inquiry made into the practice of arrestments of corporation debts, and of intimation of assignations thereto; ' Found arrestment in the hands of, and intimation of an assignation to the treasurer of the incorporation, a proper arrestment and intimation.

*Fol. Dic. v. 3. p. 42. Kilkerran, (ARRESTMENT.) No 3. p. 36.*

1739. *June 29. & November 20.*

No 70.

Whether arrestment may be effectually used in the hands of an apparent heir? Found; but doubted.

EARL of ABERDEEN *against* the other CREDITORS of SCOT of Blair.

THE Earl of Aberdeen being creditor in a bond of L. 600 Sterling to Mr William Scot, husband to Magdalen Blair, proprietrix of the estate of Blair, did, in August 1729, after the death of Magdalen, raise horning on his bond, and arrest in the hands of William Blair, son of Mr Scot and Magdalen, and at that time apparent heir to his mother in the estate of Blair; and afterwards, in October 1733, the said William Blair being then served heir to his mother, the Earl used a new arrestment in his hands.

The state of the debt due by William Blair to Mr Scot his father, the Earl's debtor, was this. Mr Scot, who liferented the estate of Blair by the courtesy, had also acquired a right to certain of the family debts, for which William Blair was liable as representing Magdalen his mother, and William Blair of that ilk his grandfather. But then, as already said, William Blair the arreteer had not made up titles, and so was only heir apparent to his mother at the date of the Earl's first arrestment in 1729.

In the furthcoming pursued by the Earl upon his said first arrestment, but in which he had also produced his second arrestment, two questions occurred. The *first* was on this point in form, How far, supposing the first arrestment, which was that on which the furthcoming was pursued, to be ineffectual, and to carry no-