

loosing the charger's arrestment. Answered, The arrestment was not sufficiently loosed unless the letters had been intimated to her, for such is the style of the letters. Lord Woodhall suspended the letters *simpliciter*;—and on a reclaiming bill, without answers, we adhered, for the style of the letters is no more than a continuation of what was the necessary style of them before the act 1717, but was since quite unnecessary and disused.

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### ASSIGNATION.

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#### No. 1. 1735, Nov. 7. GRAHAM *against* REID.

KILKERRAN, probationer reporter. The Lords found a decret holding as confessed not null, for that the execution was not produced, the decret being in 1693. *2dly*, A bond being assigned to one, and the heirs of his body, and their heirs and assignees, whom failing to another, the decret obtained at the substitute's instance without service or cognition as heir to the institute void and null. But if the substitution had been to him directly without mentioning the heirs of the institute's body, the Lords thought no service or cognition would be necessary. *3tio*, They found the decret void and null, for that it was obtained at an assignee's instance after the cedent's death upon a general assignation without confirmation.

#### No. 2. 1737, July 13. LAUDER *against* EARL of ROSEBERRY.

FOUND, that the assignation referring to a list of debts, in which there was one article, "Due by the Earl of Roseberry by bonds, bills, &c. L.600 sterling," without specifying any particular bond or bill, the assignation was not special, but required confirmation; and therefore refused letters either of horning or arrestment.

#### No. 3. 1737, July 15. AITCHISON'S ASSIGNEES *against* DRUMMOND.

(See Note of No. 10. *voce* ADJUDICATION.)

#### No. 4. 1741, July 8. LAING *against* NICOL.

THE question whereof we doubted was, how a creditor of a general disponee can make a title to the effects of the defunct falling under the general disposition, since an arrestment is not sufficient, but he must confirm before extract; and for my share, I could not see how such creditor, either of a general disponee, or an executor and universal legatee nominate, can confirm the defunct's testament, the act 1695 having provided a remedy only to the creditors of nearest of kin. This point we remitted to be heard before the Ordinary.

#### No. 5. 1743, Jan. 11, 22. CROCKAT *against* BROWN.

THE Lords sustained the objection to an intimation of an assignation, that it was made in general for the representatives of the assignee without mentioning who these were, and