

Person in whose hands more valuable goods & co. are disch-
 arging him to Deliver or pay the Same to the Owner, till some
 personal claim or Debt due by him to his Creditor or claimer
 of the Arrestment (who is called the Arrestee) be paid or
 paid.

Arrestment may be laid on by warrant of any Judge
 Superior or Inferior within whose territory the goods to be
 arrested are. It may be used upon a depending Action, that
 is an Executed Summons, called Arrestment upon a de-
 pendance, or upon unregistered bonds by virtue of letters of
 Arrestment. Arrestment raised and used upon a summons
 before it was Executed is not sustained 23 July 1706. *Kemp
 v. Holist, Elphinstown* and other Creditors of *Strickland*
 because a summons before it is Executed does not make
 a depending Action. A depending process of Reduction is
 not the proper ground of Arrestment 26 Feb. 1712 *Robt.
 Supplient contra Rentons* because Reduction concerns
 not payment of Money, but the removing a right out of
 way. The claimer who Decret in foro adjudging a Ship and
 Loading to be prize, having a for the present had raised a
 Reduction of the Decret containing a conclusion of Reduction
 of the Value of the Ship &c. assigned the Decret, and there-
 after having a for Judgments of the Assignation Arrestee
 the said Value of the Ship upon the dependance against
 the Decret: The said Arrestment was found to have no
 effect against the assignee to hinder him to charge for
 the price of the Ship &c. The said assignation was granted
 penes process and Super. *Re Religiofa viz.* the price
 of the Ship then in question by the Reduction. Seeing the
 Matter was Determined by a Decret in foro, and a
 of Dangerous Consequence, that what is found to belong
 to one by such a Decret should be again liable to
 Arrestment upon pretence of a depending Reduction
 thereof 4 Feb. 1675 *Hall and Galbraith contra Graham*.
 Arrestment upon a Decret afterward turned into
 a Debt, becomes of the nature of an Arrestment upon
 a dependance 30 June 1675 *Murray contra Hall* for
 writing and Arrestment upon a bond by virtue of a
 General

General assignation from the Decret therein not Intimate
 in the Decrets life, without a previous Confirmation, was
 found null and Inwarrantable. Nor was the Arrestment
 sustained to have the effect of Arrestment upon a dependance,
 tho' the Arrestee should then confirm the Debt. Albeit the
 General assignation would have been a good foundation
 for a summons whereupon he might have proceeded
 25 Feb. 1707 *Foby contra Keshune and others*.
 The Lords refused to stop Arrestment upon a dependance
 upon a Representation that the ground there was a sum-
 mous, tho' the Judgments are sometimes made in that manner.
 But they declared they would fine the Arrestee, if his Arrestment
 were found groundless 20 Feb. 1709 *Farguhar contra Ingulph*.
 Arrestment may be used upon unregistered bonds 5 March 1628
*Chinnie contra Robt. 7 Feb. 1665 Graham contra Bruce and
 Martine*. As an Assignee's claim due by him upon no
 Arrestment hath a debt may be Arrested *id. infra pag. 1209*.
 So by parity reason the Creditor to whom a Debt is
 assigned *id. supra* effects for payment thereof he should
 observe an Act 51 Par. 1. Sec. 2. Tho' Arrestment
 may be used even for a Debt where of the term of payment
 is not come 28 July 1669 *Lesly contra Cunningham*.
 29 July 1670 *Charlter contra Kelfor* 17 July 1675 *Lord
 Alderman contra St. John*. That be not long distant
 an Arrestment being more like to an Intimation than
 to an appointing which gives present payment. It would
 be a ridiculous and unreasonable thing to Arrest a Debtors
 current Debt for security of a term payable at a Distance
 of several years after, if his Credit be entire: being the design
 of Intimating by such a term of payment, could be
 no other than that in the Interim he might have the free
 administration of his estate, and be able to raise out of it a
 fund for satisifying his Creditor at the term of payment, which
 benefit agreed to in favour of the Debtor, the Creditor ought
 not to abridge him off by Arresting his effects Immediately.
 But if such a Debtors affairs fall in Disorder, and other Credi-
 tors proceed to Diligence against him, there is all reason
 that

51 part 1 of the 1st Act.
 The Arrestee may be arrested, and Arrestment may be used for payment of the Debt, tho' the Arrestment is not sustained, if the Arrestment is used upon a dependance, or upon unregistered bonds by virtue of letters of Arrestment.