

Will be made to Restore unless he have a preferable right than
ibid. Since the Arrestment renders the thing Religious and secures
the Arrestor from any Danger by subsequent Voluntary Deeds of his
Debtor is Decemb. 1623 Douglas contra. Balfour a posteriori Arri-
nation, tho' a Creditor, binds not the Arrestor to prove his Debt by
the Decree with Hair ibid. § 32.

Arrestment by the verbal order of a Magistrate is of force
only for the space of 24 hours. Arrestment upon a Dependence
or unregistered Bond or the like may be Looped by Letters of Looping
Arrestment, which pass the Signet upon a Common Bill, and a
Bond of Caution obliging the Cautioner to pay the Debt Arrested
for, if found due by Law upon Tryal act 17 Par. 2. J. B. which
Letters bear that Intimation be made to the Arrestor, or else the
Arrestment should continue unlooped. Because in due time the
Messenger was Intreated with the Looping of Arrestment, taking
Caution and Intimating the same to the parties by Nichols
on Schedule under his hand. But Messengers having often
abused this great trust, by taking irresponsible Cautioners,
for the security of the Judges Arrestment is now ordained
to be Looped only by Letters on Bills pass by the Lord of Session.
And that Course not being safe to the Judges, all Cautioners
for Looping Arrestments were ordained to Equip themselves
in their Lordships Books, and to be Received by the Clerk
of the Bills d. act 17 Par. 2. J. B. since which Law requires
Intimation to be made to the Arrestor, an Arrestment was found
Effectually Looped without it 18 July 1707 Brichton contra Bon-
-thrick of Crickstown. Albeit the ancient Manner of the Letters
continued. The Lords perceiving that no Notice was taken of the
Insufficiency of Cautioners for Looping Arrestment by the Clerks
of the Bills, appointed them to try the Sufficiency of such Caution-
-ers with the same Care as they do the Sufficiency of Cautioners
in Suspension 27 Feb. 1673 A French Man contra Morat. When
Arrestment was looped upon insufficient Caution, the
Lords upon a Bill gave Warrant to Arrest de novo to affect
any goods or sums that should happen to be in the hands
of the Debtors of the Arrestors Debtor at the Execution
of the second Arrestment, tho' the first Arrestment was
Looped: But would not Declare the Looping Null as to the
these Debtors might have paid bona fide to their Creditor after

After looping of the first Arrestment and before Execution of the second.
Eodem die inter eos domo. An Arrestor having upon a petition
to the Lords procured an order to the Clerk of the Bills, that no
Looping of the Arrestment should pass except upon sufficient Cau-
-tion intimated to the Arrestor, and the Clerk having after Intima-
-tion of the Lords order to him, accepted of a No. 100 Bankrupt as
Cautioner. The Lords Decreed the Looping of the Arrestment void,
and ordained the same to be Intimated to the Debtors in whose
hands Arrestment was used, and ordained the Servant in the
Bill of Chamber who had the charge of Looping Arrestments, to be
banned out of his office 4 Novemb. 1675 Monie's Supplicants
And yet Sir George Mackenzie's Opinion act 17 Par. 2. § 6.
says, that if the Letters be once Executed upon Caution found, the
Lords will not allow upon a new Bill per Arrestment to be
made, nor recall their Letters to the Cautioner if insufficient;
The Clerk of the Bills being responsible in his office for the
Sufficiency of the Caution. Arrestment upon a Dependence may
be Looped upon Caution. Albeit a Decree in the depending
-Action precede the Looping of the same 1677 Sibbald of Harke-
-thor contra Sibbald. Which is not equivalent to Arrestment
upon a Decree. Juratory Caution is never admitted in Looping
Arrestment 16 July 1661 Colledge of St. Andrews Supplicants.
But Arrestment of the Rents of a Colledge (wherein being an
Incorporation no body would be Cautioner) was allowed to be
Looped upon the Masters obliging themselves and their heirs
for what should be uplifted by any of them: in respect they were
not bound before personally, but only Latitavit officij, and there
by every one stood Caution for his own Submission 10 July
1661 Colledge of St. Andrews Supplicants. But Arrestment
upon a Decree or Registered Bond, can be Looped or purged
only by payment or Consignation of the Ground of the Arrest-
-ment, or Consignation of the principal Sum and Annual Rent
and Caution for the penalty 18 June 1678 Hamilton's Suppli-
-cants. Nor can even Arrestment on a Barons Decree be
Looped upon Caution 23 Decemb. 1679 Grive Supplicants.
Yet Arrestment upon a Decree to Satis by a Sum payable after
the Creditors Death, was Looped upon sufficient Caution at the
Lords Sight: In respect the term of payment was so long
to come, and there was no Reason but whole Means should
be under Arrestment all his life 4 Novemb. 1675 A. Nesman
Supp.