

who get right to them after passing the arrestment; because  
Caution found in loosing arrestments is seldom sufficient. 7 Feb  
1665 Graham contra Bruce and Martins

Summons of forthcoming needs not to be fully  
billed if it is executed against those in whose hand  
arrestment is used; nor is it necessary to give a full copy  
of the same. But the principal debtor only is to be served with  
a full copy, act of Ed. 10 Feb. 1723 junct. act of Sed. 31  
Decemb. 1725, &c.

If a person in whose hand a certain sum or more is  
do not employ in the action of forthcoming to depone upon what  
he is really owing to the arrester's debtor, the Judge deems him  
the same indefinite terms to pay the sum arrested less or more to  
his partner, at least so much as will pay what is owing to him.  
But if the Defender appear and depone upon what he really owes  
to the arrester's debtor, the Judge deems only to pay the sum  
acknowledged by oath, if less than what is owing to the arrester  
in part payment thereof; or deems to make forth coming  
so much thereof as will pay the arrester, if it exceeds what is  
owing to him. It sufficeth for the Defender in a forthcoming  
to offer up for arrester's goods arrested in his hands: In  
which case the Decree will bear a warrant to the Sheriff  
of the place to haulp them and deliver the price to the  
arresters 12 Novemb. 1680 Stevenson contra Paul. The  
Defender may also if he see reason make the following  
objections against the pursuers till according to circumstances.  
1/ No process till the Debt owing to the arrester be signi-  
fied and constituted by a Decree against him whose sum  
or goods are arrested, or against his representatives. Nor  
was a Decree at an arrester's Instance against his Debt  
sustained after his Decease to Tuttle the arrester to a  
forth coming, without a transference against some  
person representing the Debtors. Albeit his Representative  
appeared and consented that process should go on, as if  
the Debt had been transferred against him 13 March  
1629 Sumervel contra Heriot. And the person who  
might be heir or executor to the arrester's Debtor, or  
the Debt must be transferred against him by caution

Causes before the pursuers can stand in their forth coming  
Stat lib. 3 tit. 1, 836. 2<sup>o</sup> It is a sufficient bar to their action to  
plea, that the arrestment is not instructed. The pursuer of a  
forth coming having lost the principal letter of bearing  
containing arrestment, the arrestment was not found to be  
by an extract of the original, with the principal Executions  
of arrestment subscribed by the messengers, Scots v. Mac  
Ed. arrestment 20 March 1677, Scots v. Mac  
because albeit extracts of bearing (which are a main to be  
legitimate and positive by act of parliament, do not make the  
not prove arrestment without need of caution, but it  
but it was not found to be a nullity in a Decree of forth coming,  
that nothing was produced to obtain the receipt to instruct the  
Debt due to the arrester, but only a bearing and execution of  
arrestment produced on a Decree, and not the Decree itself;  
The same holding seen later by the principal letter,  
or the party in which the arrestment had been laid on,  
and being now produced to him, it is still a sufficient  
of such a sort is sufficient to the pursuers, and it is not  
was said, that it is a sufficient bar to their action, and  
made a Decree was made, and it is said, that payment  
was made in the case of the arrester, and it is said, that  
his letter to the arrester is a sufficient bar to their action,  
and it is said, that it is a sufficient bar to their action,  
and it is said, that it is a sufficient bar to their action,  
of the arrestment stood suspended without legalizing the  
of suspension as a defence 25 January 1717, Scots v. Mac  
Ed. 1680. 4/ It is a sufficient exception, that the goods arrested  
were joined by another creditor of the person thus becoming to  
4 Decemb. 1674, Errester contra last men of the receipt of  
Edinburgh. Because, as is already observed, an arrester gets no  
right transferred to him by his diligence which only renders  
the subject delinquent, may, pouding arrested goods was  
tained to absolve him in whose name arrestment was used,  
the by, by paction with the poudor die freely suffer him to  
Enter his letters, and poud the goods arrested: Since it  
was not said that the arrester also demanded entry and  
was refused 11 March 1635 Dick contra Spence and Thomson