

C O M P E T I T I O N .

S E C T . I .

Arresters with Poinders.

1611. *June 5.* WRIGHT *against* THOMSON and ARCHIBALD.

A NE debtor being obliged to twa or more creditors, wha has decreets or re-
registrate bonds against him, gif any of them arrest his guidis in any man's
hands, and the other creditour poid the same guidis, the party in whais hands
the guidis were, will not be halden to make them forthcomand to the arrester.

Fol. Dic. v. 1. p. 178. Haddington, MS. No 2. p. 194.

No 1.
Arrestment
does not bar
other credi-
tors from
carrying off
the goods by
poin ding.

1634. *July 29.* HUNTER *against* WILLIAM DICK.

O NE Hunter, arresting in William Dick's hands some wares pertaining to
James Spence his debtor, and pursuing to make the same furthcoming, and re-
ferring the summons to the said William Dick's oath, who granting the having
of the wares, and the being thereof in one of his cellars in Leith the time of the
arrestment, but declared that one Thomson, another creditor of the said Spence,
had poided the same out of his cellar, by virtue of a sentence, and intromit-
ted with the same; and the pursuer *answering*, That after his arrestment, he
ought not to have suffered any other to have intromitted with the said goods
arrested, to his prejudice, but should have suspended against both parties, that
they might have disputed their rights, which of them should be preferred;—
THE LORDS found, That a prior arrestment was no impediment to any other
creditor to execute his sentence, by poiding the same goods arrested before,
and that the person in whose hands the goods were arrested, had neither reason,
nor any necessity to have stayed the poiding, nor to have suspended upon
double poiding; for no deed was done by him, to give any advantage to the
one party before the other; for if any sums of money, or other thing had been

No 2.
Found as
above.