

ARRESTMENT.

Warrant of Arrestment.

1615. *January 13.* *BROOK against KELLO.*

IN an action for making arrested goods furthcoming, pursued by Thomas Brook Englishman, against David Kello, the LORDS found no process, because there was no decret recovered against Kello.

Kerse, MS. fol. 234.

No 1.

1616. *July 13.* *THOMSON and OTHERS against PHILP.*

IN an action betwixt George Thomson and Ninian M'Morran and the rest of the creditors of Andrew Borthwick and John Philp, the LORDS preferred John Thomson, because his arrestment was used upon a dependence, and the rest raised arrestments were upon their bonds immediately, without respect to any dependence.

Kerse, MS. fol. 235.

No 2.

1623. *March 4.* *DICK against HEARCH.*

AN action being pursued to make arrested goods furthcoming, upon a sentence recovered against a defunct; the executors being convened for their interest, it was *alleged*, no process for making the arrested goods furthcoming, until the decret obtained against the defunct was transferred against the executors, and the convening of them in process was not enough.—This exception was found relevant.

Spottiswood, (ARRESTMENT.) p. 15.

No 3.
The decree against a defunct, upon which arrestment had proceeded, must be transferred against the executors, before decree of furthcoming can be obtained.

1628. *March 5.* *BINNIE against ROSS.*

IN an action to make arrested goods furthcoming, the LORDS were of the mind (but not decided in this process) that an arrestment execute upon a naked bond,

No 4.
The Lords were of opinion, but did