

to make arrested goods forthcoming, intended before the term of payment of that debt come, which is desired to be made forthcoming, albeit it desire the payment to be made only after the term of payment be past, is not a just and lawful diligence; but that another using diligence, and pursuing immediately after the term of payment, will be preferred to him.

No 45.

Act. Aiton.

Alt. Dunlop.

Clerk, Gibson.

*Durie, p. 326.*

1633. March 20.

SIMSON against WHITE.

In a competition betwixt two arresters of a sum that was liferented, to which there was no access till after the liferenter's death, the first arrestment being founded upon a bond bearing annualrent, was found to be a security for the subsequent annualrents, as well as those due before the arrestment.

No 46.

*Fol. Dic. v. I. p. 539. Durie.*\*\*\* This case is No. 34. p. 698, *voce* ARRESTMENT.

1675. February 4.

HALL and GALBRAITH against GRAHAM.

THE ship called the Wine-grape, mentioned in the case 17th December 1674, Gordon and Ludquhairn against —. *voce* PRIZE, being found by a decret of the Admiral not to be a prize; and thereafter the said decret being reduced upon a contentious debate *in foro*, a bill of suspension was given in, making mention, that the Lords having thought fit, during the dependence, the value of the ship being liquidated, the price thereof should be sequestrated in the complainer's hands, upon a bond to pay the sum therein contained to the captor and his owners, if they should prevail in the reduction foresaid; and that he was charged to pay the said sum, the process being now at a period by the said decret reductive, at the instance of an assignee; and that he could not pay the same until an arrestment made in his hands, at the instance of the Swedes the former owners of the said ship, should be purged; which arrestment was upon the dependence of a reduction, intended at the stranger's instance, for reducing of the said decret reductive; it was debated upon the bill, and amongst the LORDS, that the said decret being *in foro contradictorio*, was of that nature, that it could not be reduced; and it were of a dangerous consequence, that after decreets *in foro*, the people should not be secure, but upon pretence of the dependence of reductions of the same, that which was found to belong to them by such decreets, should be again liable to arrestment and to question-

No 47.

The Lords refused an arrestment on a dependence before themselves, the dependence being a reduction of a decret *in foro*.