POINDING.

1734. *July* 30. FERGUSON of Auchinblain *against* JOHN DICK.

No. 1.

POINDING of growing corns:—Several creditors having inchoate poinding of growing corns, one of them (not the earliest) raised suspension of their several diligences and multiplepoinding in the debtor's name, and now prayed sequestration to prevent confusion in cutting down the corns, which the Lords granted, though opposed by the creditors who had the first inchoate poinding. But in the case of Cave and Trustees of his Creditors, 28th January 1735, the Lords refused to sequestrate.

1736. *January* 28. DRUMMOND *against* MOWBRAY.

No. 2.

POINDING may proceed without special warrants to poind, upon a general warrant for all executorials necessary after a charge first given.

1736. *February* 13. MUIRHEAD *against* PROVOST CORRIE.

No. 3.

THE Lords thought that letters of open doors are not necessary for opening presses or chests in order to poind. *2dly*, They thought the possessors of such goods not bound to assist the messenger in poinding or opening doors, but only to suffer the messenger himself to do it. *3dly*, Where a messenger is actually stopped, though the person that stopped him may have a good reason for doing it, yet in competition even with third parties arresters, the Lords preferred the poinder, as if the poinding had been complete.