

1762. June 23.

DALRYMPLE of Waterfide *against* MISS BERTRAM.

No 80.  
Manner of  
using an ar-  
restment in  
the hands of  
a banking  
company.

GEORGE GORDON merchant in Dumfries, having failed in his circumstances, a fund of L. 350 Sterling, belonging to him as a partner in the British Linen Company, was arrested by several of his creditors; and the formality of these arrestments was the point here disputed, in a multiplepinding brought by the company against the arresters.

Miss Bertram, uncertain in what manner to use an arrestment, executed no less than three different arrestments, two upon the 11th of December 1759, and the third upon the 13th of the same month. The first was executed against the deputy-governor and the five directors separately, by leaving copies at their dwelling places. To remove the objection of the governor being neglected in this arrestment, the second arrestment was laid by her in the hands of the governor, deputy-governor, and each of the five directors, by leaving one copy of arrestment with a servant within the British Linen Company's office, to be given to them, because the messenger could not apprehend any of them personally. And, for further security, the third arrestment was laid by her in the hands of the governor, deputy-governor, and five directors *nominatim*, by delivering a single copy of arrestment to Mr Henry Barclay for himself and the said company, personally apprehended within the said company's office.

Dalrymple of Waterfide's arrestment was executed 18th of December 1759, against the governor at the market cross of Edinburgh, pier and shore of Leith; and also against the deputy-governor and five directors *nominatim*, by delivering copies of arrestment to them severally, personally apprehended at their dwelling houses.

Waterfide's arrestment was preferred as the only formal arrestment. The case of the British Linen Company was compared to that of a royal burgh, the latter being represented by the magistrates and council, the former by the governor, deputy-governor, and directors. Now, in citing a corporation, or in arresting in their hands, the legal method is to execute against the representatives, which can only be done, either by citing them in a body, by delivering them a copy where they are met for managing the affairs of the corporation, or by executing against each of them singly and separately. The latter form was followed by Waterfide: Neither of the forms was followed by Miss Bertram.

*Fol. Dic. v. 3. p. 43. Sel. Dec. No 198. p. 263.*