1740. *January* 16.—*February* 13.

Sir ROBERT GORDON *against* Sir HARRY INNES.

No. 14.

A MERCHANT having drawn bills on his correspondent at London, payable to two persons for the behoof of Falconer, and who immediately indorsed them to him, and which Falconer was to pay or account for the value to the drawer upon their being honoured; Falconer sent the bills to his correspondent at London to negotiate, and they were duly honoured; but before Falconer had advice of their being honoured, and even before they fell due, a creditor of the drawer's arrested in Falconer's hands; and in a competition with the drawer's other creditors, the Lords found the sums in the bills duly affected by the said arrestment, and preferred that arrestment used when the money of these bills had not come to Falconer's hands, and consequently when he was not debtor (as was alleged) to the drawer, to arrestments used after the bills were honoured. (See DICT. No. 51, p. 715.)

1740. *November* 7. ROBERT BIGGAR *against* ROBERT PRINGLE.

No. 15.

A DEFENCE upon the game act, competent against a creditor arresting, and proveable by the oath of the common debtor or his trustee. *Vide* Creditors of Menie of Broomfield, No. 6, *supra*.

1741. *January* 21. A. *against* B.

No. 16.

AY, and while the arrester were satisfied of the principal sum in a bill, without mentioning annualrents, found to carry no more in a competition of creditors than the neat principal sum. *Referente* Arniston, without Informations.

1741. *July* 22. WHITE *against* MAXWELL.

No. 17.

ARRESTMENT on a registered decreet-arbitral, and horning upon it, may be loosed on caution, where the decreet-arbitral is suspended. (See DICT. No. 147, p. 802.)