

1777. *January 29.* DOUGLAS, HERON, and COMPANY *against* CHARLTON PALMER.

AN arrestment on a dependance and on a decret or liquid debt are equally good, provided decret in the dependance is obtained liquidating the debt before determining in the competition; and it is the same, where, in the constitution, defences are reserved *contra executionem*: this reservation keeps the debt illiquid. So the Lords thought in this case; and therefore, though they preferred the parties on the arrestments in Allan's hands *pari passu, et pro rata* of the debt due to them, yet they excepted that part of the debt due to Palmer which at the time of constitution was illiquid, and that, on that account, objections were reserved *contra executionem*. But this day, 19th February 1777, on a reclaiming petition from Palmer, explaining this matter, and, in effect, insisting that his debt was liquid, notwithstanding the reservation; they remitted to the Ordinary to hear parties, and to do as he should see just.

1777. *December 8.* GIBSON and BALFOUR *against* GEORGE GOLDIE.

IN a dispute betwixt Messrs Gibson and Balfour and George Goldie, as creditors-arresters of James Scott's share in the sugar-house;—two points occurred, *viz.* A dispute of preference on the time; Mr Goldie's arrestment being laid on betwixt the hours of four and six afternoon, and Gibson's and Balfour's betwixt the hours of six and nine at night. Another objection occurred to Gibson and Balfour's, *viz.* That it was only in the hands of Francis Kemptie, as clerk to the company. See Erskine, p. 512, and *Cameron against Boswell*, there cited. Lord Auchinleck, Ordinary, having preferred Goldie,—Gibson and Balfour reclaimed, December 1777. The Lords remitted the petition to the Ordinary to hear further: they were not satisfied with the ground of Goldie's debt, which was a decret in absence before the Judge-Admiral, on an unattested account of linens; and they hesitated about Gibson and Balfour's arrestment, as in the hands of the clerk only.

BANK NOTES.

BANK Notes are considered as money, and treated accordingly. See the case of *Miller against Rae*, in Burrow's Reports, Vol. I. p. 452; see also Rem. Dec. No. 105, *Mr Hew Crawford against Royal Bank*.