

No. 18. 1741. *July 31.* DANISH ASIATIC COMPANY *against* WIGHTMAN.

*Arrestum jurisdictionis fundandæ gratia.* This case was never decided. The Lords would not authorise the Ordinary to pass among the common bills, a bill of arrestment to found a jurisdiction, when there was no dependance, without a petition to the whole Lords.

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No. 19. 1742. *June 22.* CREDITORS of HARDIE, *Competing.*

A BOND assigned to the bank, and their treasurer, for their behoof, for payment of a debt, and to account for the superplus; arrestment in the treasurer's hands found to affect any debt then due by the bank in consequence of that assignation, and found not to fall by the death of the common debtor, whose debt was arrested; but his relict having as creditor confirmed it before any decret was obtained, she was preferred as having the first complete diligence. The first point is agreeable to the decision, 10th January, 1739, Creditors of Lethem, (No. 10, *supra*;) and the last to the reasoning in a decision observed by Lord Harcarse in June 1688. (See DICT. No. 36, p. 2791.)

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No. 20. 1742. *November 31.* RAE *against* NIELSON.

ARRESTMENT by a creditor of a copartner in the hands of the other copartners, is a habile diligence to affect his interest in the copartnery, though several of the company's effects be in ships at sea, or in foreign ports in the hands of the Company's factor. (See DICT. No. 52, p. 716.)

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No. 21. 1742. *December 9.* CREDITORS of Sir ALEXANDER WEDDERBURN *against* M'KENZIE.

THE share of the price of lands sold judicially falling to an adjudger ranked on the estate, not affectable by arrestment, was agreed among the Lords; but not decided, because of other points to be determined, which they remitted back to the Ordinary. (See DICT. No. 53, p. 722.)