ARRESTMENT.

1774. November.

MACLAINE against DUNCANS.

It is a practice in the Court of Admiralty to take out a blank precept, and thereupon to arrest, even before the precept is executed. Thus a party's goods are arrested before he knows, and for a debt of which he knows not the amount, and therefore cannot easily loose the arrestment.—The Lords found this practice illegal and oppressive, and decerned for damages against the arrester.

Fol. Dic. v. 3. p. 39.

** By 33d Geo. III. c. 74. § 3. an arrestment may be used upon an unexecuted summons, although the debtor be not bankrupt in terms of the act 1696, c. 5. See James Thomson, Common Agent of the Creditors of Neil Campbell, roth March 1798. Fac. Col. No 70. p. 160. voce Bankrupt.

Formalities of Arrestment.

1533. November 28. The King against Robert Lumisden of Mather.

GIF ony officiar or ferjand commandit and fend be ony perfoun or judge havand powar thairto, arreiftis cornis pertening to ony man for ony cause, and efter he has lauchfullie arreistit the samin scheiris, winnis, leidis, and stakkis the samin cornis upon the ground quhair thay grew, he doand the samin is understuid to mak lauchful intimatioun thairby to the awner of the saidis cornis, that he may not thairester alledge or pretend justile ony ignorance of the making of the said arreistment.

Balfour, (ARRESTMENT.) p. 538.

1566. January 9. WILLIAM SEYTOUN against WILLIAM FORBES.

Gir ony persoun causis ony arreismentis to be made upon ony man's cornis, gudis, or geir, he aucht and sould denunce and intimate the samin to the awner thairof, utherwayis gif na intimation be maid, it is leasum to the awner to dispone upon the sadis cornis, gudis, and geir, at his pleasour, notwitstanding of ony arriestment maid thairupon.

Balfour, (ARRESTMENT.) p. 538.

No 11.

No 12. Taking poffession of the goods arrested, is sufficient intimation.

No 13. If the owner receive no intimation, he may lawfully dispose of the goods not-withstanding of the arrest-ment.