No 52. furthcoming, the profits ariſing after the arreſtment are transferred with the ſtock, in like manner as annualrents are which ariſe after arreſtment of the bond.

Upon this debate, the LORDS found, 'That it was competent for the creditors of Robert Robertſon to affect his intereſt in the company by arreſtment, and that the arreſtments in the hands of the remaining partners did habily affect the ſame, though the company's effects were, at the date of the arreſtments, in the hands of the company's ſupercargoes at ſea, or of their factors abroad; and found the ſame liable to be made furthcoming by the partners to the creditors, ſo far as the ſame had been made good to the company by their ſupercargoes or factors. (*See* SOCIETY.) *Kilkerran*, (ARRESTMENT.) *No* 10. *p.* 40.

1742. *December* 9.

ELIZABETH MACKENZIE, Relict of PATRICK DURHAM, *againſt* GRAHAM & Others.

No 53.

FOUND that arreſtment in the hands of a purchaſer, at a judicial ſale, is not an habile diligence to affect the ſhare of the price for which the creditors are ranked, in reſpect that, notwithſtanding the ſale, the creditors debts ſtand ſtill ſecured by adjudication till payment.

Fol. Dic. v. 3. *p.* 40. *Kilkerran*, (ARRESTMENT.) *No* 11. *p.* 42.

1743. *February.*

CREDITORS of MR JAMES HOG, Lecturer in the Tron-Church, *againſt* The TOWN of EDINBURGH, and the ſaid JAMES HOG.

No 54.
Whether the annualrents of a ſum mortified for the behoof of a lecturer in a church, are arreſtable for his debts?

JAMES HOG being received lecturer in the ſaid church, was thereby entitled to the annualrents of L. 1000 Sterling yearly, which had been mortified for that purpoſe; his creditors arreſted the ſame in the hands of the Magiſtrates.

In the furthcoming, Hog appeared, and *pleaded*, That the ſubject arrefted being a fund appropriated and ſet aſide for a certain purpoſe, could not, even by legal diligence, be diverted to any other purpoſes, ſo as to diſappoint the intention of the mortification. Indeed, where an obligation is granted to a man entirely for his own behoof, and where the debtor has no intereſt, other than to pay ſecurely, ſuch a ſubject is attachable by all ſort of legal diligence; but the caſe is quite different, where an obligation is granted *ad certum effectum*, and where the granter has an intereſt to ſee the money applied to the purpoſes for which the ſame is deſtined. In that caſe, as the money cannot be applied to other purpoſes, it cannot be affected with legal diligence, *e. g.* A ſervant's fee is not arreſtable, becauſe it is appropriated to the maintenance and ſupport of the ſervant, without which he would be incapable to perform his work; the maſter has a direct intereſt to apply the money this way, that he may have the benefit of the ſervant's work; and the ſervant has an intereſt, becauſe he is bound to perform his work, which he cannot poſſibly do if he has not his wages: the application of which to the preſent queſtion is obvious. It is true, this doctrine admits of a limitation; if the