

And yet it was never thought that an arrestment could obstruct a pointing. The judgment, however, is right upon a principle of equity, that undoubtedly moved the Judges, though it was not brought into the reasoning, namely, That an inchoated attachment by one creditor ought to bar all others; which is laid down and enforced in the principles of equity.

*Fol. Dic. v. 3. p. 151. Sel. Dec. No 257. p. 329.*

No 8.

---



---

S E C T. II.

Arresters with Appriseres and Adjudgers.

1623. February 14. L. SALTCOATS *against* BROWN.

THE L. Saltcoats having arrested the mails and duties of a tenement of land pertaining to his debtor, and pursuing to make the same forthcoming, compeared one Brown, and *alleged* that he ought to have the said mails and duties, because he had comprised that tenement long before the arrestment, whereby he became in the heritable right in the land, and consequently ought to be preferred to be answered of the duties thereof.—THE LORDS prefer the arrester, by virtue of the sentence, notwithstanding that the comprising was also a sentence, and that it preceded the arrestment; because there intervened a great space betwixt the comprising, and before the arrestment, during the which whole space neither had the comprising obtained sasine, nor yet since was he seased; neither had he done diligence to recover sasine, nor used any other diligence all that intervening time, upon the comprising, without the which he could not be found to have a real right; and so repelled his allegiance founded upon his comprising.

Clerk, *Hay.*

*Fol. Dic. v. 1. p. 179. Durie, p. 46.*

No 9.

An arrester of bygone annualrents was preferred to a prior appriser of an infestment of annualrent, the appriser having been *in mora.*

1627. December 13. TENANTS OF DRYUP *against* SHERIFF OF FOREST.

IN a double pointing, at the instance of the tenants, possessors of the lands of Dryup, who were distressed for the duties of the said lands by the Sheriff of Forest on the one part, who had comprised the said lands, for a just debt, from Scot of Dryup, and, conform to the comprising, was heritably infest in the same lands divers years before the crop 1626, which was now drawn in question; and

No 10.

An appriser infest, preferred to a subsequent arrester, although the appriser had suffered