

1679. *December 23.*GRIEVE, Tenant to JOHNSTON of Westeraw, Supplicant, *against* —.

THE Laird of Westeraw having taken a decret against Grieve, his tenant in his own Court, for Green-Wood, and arrested thereupon: The tenant desires the arrestment to be loosed upon caution, whereupon it occurred to the Lords, to consider the common privilege, by the stile of loosing arrestments, which bears an exception, *providing it be not on a decret*, and found that it extended to Barons decreets; and therefore refused the bill.

*Fol. Dic. v. 1. p. 59. Stair, v. 2. p. 727.*

No 138.

Arrestment upon a baron baillie's decret, is not looseable upon caution.

1681. *November.*GARDINER *against* GARDINER.

ARRESTMENT used upon a decret, after the passing of a bill of suspension thereof, but before the suspension was intimated or signeted, found looseable upon caution, after expeding of the suspension at the signet.

*Harcarse, (ARRESTMENT.) No 74. p. 14.*

No 139.

1685. *February.*ALEXANDER FORBES *against* JOHN HEBURN.

ONE having regiftrate a contract, and charged thereon the other party to fulfil in the hail heads and clauses, &c. and also used arrestment: THE LORDS found the arrestment looseable on caution, though laid on by virtue of a decret of registration.

*Harcarse, (ARRESTMENT.) No 88. p. 17.*

No 140.

1685. *March 31.*LADY KETTLESTON *against* JOHN HAY.

ARRESTMENT upon a decret appointed to be loosed upon juratory caution, when the decret was turned into a libel.

*Harcarse, (ARRESTMENT.) No 86. p. 17.*

No 141.

1695. *November 28.*ARCHIBALD STUART *against* JOHN MARSHALL.

ARCHIBALD STUART, younger of Blackhall, by petition, complained, John Marshall, apothecary in Glasgow, having stolen out a decret against him for L. 250, as the price of drugs, holding him confessed, and thereon had arrested his horses; whereof he had obtained suspension; but the charger either delayed to insist, or would offer to prove his libel by witnesses; and seeing the horses were detained,

No 142.

Arrestment on a decret in absence, found not looseable on caution.