

No 20.

It was *answered*: That an obligation to relieve the pursuer, and retire his bonds, implies every thing that may make the relief effectual; and consequently, that his debtor's means may be affected, and made furthcoming. *2do*, The defender did already acquiesce, in as far as he deponed in the furthcoming, and cannot now decline to clear his former oath. *3tio*, In another process of furthcoming, on the same bond, against Margaret Seaton, the Lords did oblige her to depone in the furthcoming. *4to*, The pursuer doth further liquidate his claim, by condescending and instructing the debts he has paid, in which he is a liquid creditor.

It was *replied*: The obligation of relief implies no more than the words do express, by which nothing was intended, but to oblige Watson personally. *2do*, The defender might have declined to depone at first; and now he declines to lay his business open to the pursuer, who has no interest to require it. *3tio*, Margaret Seaton had been holden as confessed; and in a suspension craved only to be reponed to her oath; and, though she did offer the same grounds, yet she insisted only *ad hunc effectum*, to be reponed, in which she prevailed. *4to*, It alters not the case, though the pursuer may have paid certain of the sums expressed in the bond of relief, and thereby is become a liquid creditor; seeing his right to these bonds is not the foundation of the arrestment and furthcoming.

THE LORDS found, a bond to relieve the pursuer, and retire his bonds in the terms above expressed, was no ground for arrestment and furthcoming.

*Fol. Dic. v. 1. p. 54. Dalrymple, No 33. p. 41.*

1712. February 26.

KATHARINE ROSS, Relict of David Dickson, Supplicant, *against* WILLIAM RENTON, Factor to the Estate of Begbie.

No 21.

A depending process of reduction, (which does not conclude for payment of money) is not a proper ground of arrestment.

UPON a representation made by Katharine Ross, that William Renton had arrested all her effects, upon the dependence of a process of reduction raised by him against her:—THE LORDS found, That the depending reduction (which concludes not the payment of money, but the removing a right out of the way) is not the proper ground of arrestment: And therefore ordained the arrestment, used upon that depending process, to be loosed without caution or consignation.

*Fol. Dic. v. 1. p. 54. Forbes, p. 594.*

1712. June 17.

WILLIAM KER of Chatto, *against* WALTER SCOT of Well, and OTHER CREDITORS of Sir WILLIAM and ROBERT SCOTS of Harden.

No 22.

An heritable bond, before infestment,

THE deceased Robert Scot of Harden having, as heir, served and retoured in in general, and executor to Sir William Scot of Harden, his brother, disposed to