

No 96.

1739. February 7. CREDITORS of CLUNES against SINCLAIR.

FOUND, That arrestment on a debt due to a wife, carried no more than the annual rent fallen due at the time of the arrestment and the current term; and that the proper diligence to carry the *ius mariti*, was adjudication against the husband. (See Lord Kilkerran's report of this case, No 49. p. 713.)

No 97.

1744. February 15. AGNES DICKIE, against HALL and his CAUTIONERS.

FOUND, That an arrestment upon a dependence did not entitle the arrefter to a furthcoming for the expences laid out in that depending process after the arrestment, but only for the sum due by the common debtor at the date of the arrestment.

*Fol. Dic. v. 3. p. 44. Kilkerran, (ARRESTMENT.) No 13. p. 42.*

No 98.

Current term of a separate aliment to a wife, carried by an arrestment used prior to the term of payment.

1761. June 16. DANIEL SETON, JOHN CLELAND, and Others, Creditors-Arresters of Margaret, Countess of Caithness, against The COUNTESS of CAITHNESS, and THOMAS HEDDERWICK, her Assignee.

In the year 1741, the Earl and Countess of Caithness entered into contract of voluntary separation, by which the Earl obliged himself to pay to my Lady L. 1000 Scots yearly, for separate aliment; which she accepted of in full of all she could ask of the Earl, with liberty to either of them to renounce this agreement upon notice to the other party.

In 1754, the Countess notified to the Earl her repudiation of the contract 1741, and brought an action for a suitable separate maintenance, in which she obtained judgment, finding her entitled to L. 200 Sterling yearly, over and above the interest of her own proper funds, as the same should, from time to time, be settled and liquidated, commencing at the term of Martinmas 1756, and payable by two equal moities at Whitfunday and Martinmas yearly.

In June 1757, Daniel Seton, John Cleland, and others of the Countess's creditors, used arrestments in the hands of the Earl, with a view to attach the current term's annuity, which was payable at Martinmas thereafter.

Upon the 5th November 1757, the Countess granted an assignation of that term's annuity to Thomas Hedderwick, and others of her creditors. The Earl