

1751. *January 11.* The CREDITORS of ROBERT POW, Competing.

No 102.

A CREDITOR of Robert Pow arrested in the hand of his debtor, on a debt not bearing interest; and having denounced him after the arrestment, pleaded that the interest arising since the denunciation was secured; which was denied by the other creditors his competitors.

THE LORDS found the interest not secured by the arrestment.

D. Falconer, v. 2. No 180. p. 215.

*** See Burgh of Kirkwall against Inhabitants of Stromness.
Sel. Dec. No 92. p. 123. *voce* ROYAL BURGH.

Decree of furthcoming after the common debtor's death.

*** IN an arrestment upon a dependence, if the common debtor die before the claim be established against him by decree, the process must be transferred against his representatives; but, if decree be recovered against the common debtor himself, there is no necessity for transferring it after his death against his representatives; calling them alone is sufficient to found the arrester in his action of furthcoming; arrestment not falling, by the death of the common debtor, as it is does by the death of him in whose hands it is laid.

Fol. Dic. v. 1. p. 58.

1610. *March 8.* DEMPSTER against DINGWELL.

No 103.

HE who is made assignee to a contract, making arrestment of the debtor's farms in his tenant's hands, in the lifetime of his cedent, and of the debtor, may lawfully, after their decease, call the tenants to make the goods furthcoming, and needs to call no more thereto, but the debtor's executor *cognitionis causa*, and the tenants.

Fol. Dic. v. 1. p. 58. Haddington, MS. No 1856.

1611. *February 26.* CLARK against ERLE of PERTH.

No 104.

A MAN being bound by a registered bond for a sum of money, and his horse being arrested for the same, and himself, and the party in whose hands the horse