

D. de offic. prator. and that it might abridge process, and hold in much unnecessary expence to the people; therefore they sustained the summons of furthcoming, and repelled the No-process: Though some said this might be saved by an act of federunt for the future; and if adjudication or other legal diligences had followed on such decreets, they were not to be totally annulled, but only restricted *quoad* the accumulations of annualrents and penalties. By this same rule it may be argued, where one has taken out a summons under the signet, though yet unexecuted against the defender; yet he may take out letters of arrestment and inhibition, and send them all to be executed together, the summons (which is the ground of the other two) being always first executed, and so the arrestment and inhibition will be reputed as laid on upon the dependence, though it is the citation only that makes a depending process; and when the letters for arresting and inhibiting were taken out and signeted, there was then no citation on the summons, and consequently in construction of law no *lis pendens*; but the convenience of the subjects weighs down this incongruity.

Fol. Dic. v. 1. p. 54. Fount. v. 2. p. 210.

No 15.

1735. February 17. MUIRHEAD against CORRIE.

In a process of furthcoming, the judge ordained the arrestee to produce the goods, in order to be roup'd and sold, for payment of the pursuer's debt; this was found an effectual decret of furthcoming, so as to bar another creditor who offer'd to poind before any step was taken upon this ordinance, it being *pleaded*, That this was the regular method in furthcomings of goods, *Stair, p. 375** and equivalent to a simple decret of furthcoming where money is arrested, and a certain sum decern'd to be made furthcoming.

Fol. Dic. v. 1. p. 54.

No 16.
In a furthcoming of goods, it has the effect of a decree, that the judge has appointed the arrester to produce the goods, in order to be roup'd.

1773: August 6. THOMSON against SIMPSON.

AN arrestment on a bill or other debt bearing interest, unless laid for growing interest, as well as principal, will be limited to principal alone, the sum for which it was laid†.

Fol. Dic. v. 3. p. 39.

No 17.

* p. 388, edition 1759.

† From Tait's MS. See Appendix.