

1642. *January 25.* JOHNSTON *against* LOCH.

ONE James Loch, having comprised the lands of _____, for debt, and this Johnston pursuing, to hear the comprising declared to be extinct, as satisfied, he being a posterior compriser; and Loch *alleging* that this comprising was null, being deduced upon a bond, bearing payment of annualrent, and which so was heritable, and no charge to pay the principal sum preceded; this exception was repelled, and the comprising was sustained; for, as the party might poind without a preceding charge, so he might comprise.

Fol. Dic. v. 1. p. 536. Durie, p. 888.

No 7.
Found in
conformity
with Finlay-
son, No 4.
p. 8115.

1666. *July 19.* THOMSON *against* M'KITTRICK.

FOUND that comprising may be deduced upon an heritable bond, upon which infeftment had followed, although a charge did not precede, the sum being payable without requisition.

Fol. Dic. v. 1. p. 536. Stair. Dirleton.

No 8.

* * This case is No 12. p. 6892. *voce* INFESTMENT.

1677. *January 24.* SINCLAIR *against* HOME of Renton.

A BOND of corroboration being granted for a sum due upon a wadset, with power to use execution without requisition, the LORDS found, That the creditor my summarily comprise upon the same without previous requisition.

Reporter, *Glendoich.* Clerk, *Hay.*

Fol. Dic. v. 1. p. 536. Dirleton, No 439. p. 215.

No 9.

1677. *November 27.* SIR JAMES STAMFIELD *against* LORD GOSFUIRD.

SIR JAMES pursues a comprising of Thorntonloch. *Alleged*, it is null, being led on an heritable bond, without any previous requisition or charge.—THE LORDS, finding it was led in 1669, and that the bond bore a term of payment, without necessity of requisition, sustained the comprising, as had been done, Colthrid and Paterson, No 5. p. 8115.

Fol. Dic. v. 1. p. 536. Fountainhall, MS. p. 20.

No 10.