
NATURE *and* EFFECT *of this* DILIGENCE.

1619. February 3. BRUCE *against* BUCKIE.

A COMPRISING is a legal assignation, needing no intimation; and therefore, a second comprising of a right of reversion, though first intimated, was found not preferable.

Fol. Dic. v. 1. p. 14. Hope, (APPRISING.) MS.

1628. March 5. SCOT *against* TENANTS of Whitlaid.

In an action for mails and duties, betwixt Andrew Scot fergeon; and tenants of Whitlaid, the LORDS found a comprising of the lands libelled, whereof the duties were acclaimed by the pursuer, was not a sufficient title to produce action to him; except he had been either seised in the lands by virtue of his comprising, or had done diligence to obtain himself seised, by charging of the superior, who had refused, or such other lawful diligence.

Act. Craig.

Clerk, Scot.

Fol. Dic. v. 1. p. 14. Durie, p. 354.

* * But now, as to mails and duties, a decret of apprising is understood to be an effectual diligence, and equivalent to an assignation intimated; as to which, See COMPETITION.

1634. March 21. MAXWELL *against* MURRAY and WRIGHT.

ONE Ker of Redpeth, having disposed his lands heritably to his son, and to his wife in conjunct-fee, reserving an annual rent of 500 merks yearly, to be paid forth of any part thereof, to himself during his lifetime; and the said lands, with all right the said Ker of Redpeth had thereof, being thereafter comprised by Alexander Maxwell for debt, and he being, conform thereto, infest in the lands; and another, viz. Murray, son to the L. Blackbarony, having comprised the said lands, and the said debtor's right, as the said Alexander Maxwell had done, and before Alexander's comprising, but not being infest in the lands, it was questioned betwixt these comprehisers, which of them had right to be an-

No 1.

No 2.
Effect of a
simple decret
of apprising.

No 3.
Effect of a
simple decret
of apprising.