sion, which, of its own nature, is heritable, and that the charge was executed against one of the cautioners, and not against the principal. No 132.

*Newbyth, MS. p. 52.*

*** This case is also reported by Gilmour:

IN a process pursued at the instance of Colonel James Montgomery and his Lady against her brother, the LORDS found, that an heritable bond became moveable by a charge of horning used against a cautioner, though the principal was not charged; and that there was no necessity to use requisition, though the sum was eiked to the reversion of a wadset, in respect the bond appointed execution to pass without requisition.

*Gilmour, No 176. p. 127.*

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1683. *January* 17. WISHART *against* EARL of NORTHESK. No 133.

FOUND, that an arrestment and furthcoming, at the instance of an appriser, do not make the sums in the apprising moveable.

*Fol. Dic. v. 1. p. 374. P. Falconer.*

*** See this case No 109. p. 5552.

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1728. *November* 12. REIDS *against* CAMPBELL. No 134.

A BOND being made heritable by adjudication, is was found, that a subsequent charge of horning did not make it again become moveable. *See* APPENDIX.

*Fol. Dic. v. 1. p. 374.*

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## SECT. XXVI.

### The last step of Diligence is the rule.

1665. *January* 13. JANET SHAND *against* CHARLES CHARTERS.

No 135.
A creditor in a bond, in

CRICHTON of Castlemain, and Crichton of St Leonard, granted a bond to Shand, and ——— Herren his spouse, the longest liver of them two, and their