

rest of the lands comprised, were united, and where the sasine was appointed to be taken; but that the searching should be at all the lands, otherways the comprising to be null.

No 5.

Act. Hope.

Alt. Nicolson and Oliphant.

Gibson, Clerk.

Fol. Dic. v. 1. p. 5. Durie, p. 103.

1624. July MONCRIEFF *against* TENANTS OF LAWES.

No 6.

IN an action between Mr Archibald Moncrieff, and the tenants of Lawes, in Ross, the LORDS sustained the comprising, albeit there was no searching and seeking of moveables, at the dwelling house of him against whom the comprising was led, but only upon the ground of the lands comprised; which they found sufficient.

Fol. Dic. v. 1. p. 5. Spottiswood (COMPRISING) p. 42.

1624. November 20. FORSYTH *against* L. SMEITON.

No 7.

IN an action betwixt Marion Forsyth and L. Smeiton, the LORDS found, a comprising sufficient; whereby two lands being comprised upon two denunciations, made at two several times; to wit, a denunciation for the one land, done at one time, after searching for poindable goods, was used first upon the ground of that land; and the other denunciation, made for the other lands, after searching was made upon the ground of that other land denounced: Which searching, at the second land denounced, being made after the denunciation of the first land, the defender *alleged*, rendered the comprising altogether null; seeing he alleged, that the searching ought to have been made upon all the lands comprised, and every one of them, before denunciation could be made, for comprising of any of the lands; and that he alleged that it was not sufficient, that the searching preceded the denunciation of each several land; but there behoved to have been searching at all the lands, before any denunciation could be made at all, of any land: Which allegiance was repelled, and the comprising sustained; for it was found sufficient, that the searching preceded each denunciation.

A comprising contained two parcels of land. Search for moveables was made on the one parcel, before denunciation for it; and on the other, before denunciation for it. This found sufficient; and that it was not necessary to search on both, before denouncing for either.

Durie, p. 150.

1627. July 11. WALLACE *against* HARVEY.

No 8.

IN a suspension betwixt Wallace and Harvey, Harvey having comprised certain lands from Wallace, his debtor, and being therein seised, obtained decret of removing; which being desired to be suspended, and reduced upon this reason by Adam Wallace; because the said Adam had obtained tack of the same lands,

A tack is granted before lands are denounced to be comprised. If the tack-