

1628. *November 25.*HILL *against* WRIGHT.

No. 20.

In a removing Hill against Wright, a compriser pursuing removing from the lands comprised, and the defender alleging a right of wadset of the same land, given to him before the denunciation of the comprising by him, from whom the lands were comprised, and possession conform thereto; which right and possession he alleged were sufficient to defend him against this removing, albeit the pursuer was but a singular successor to the granter thereof, and albeit the wadset was only constituted by a contract, and so personal, and without charter and *sa sine*, seeing the wadset was under reversion, whereof the benefit might be sought and used by the pursuer, when he pleased, after the years of the suspension, contained in the contract; and also that the contract of wadset provided, that the party might not redeem for eleven years, which was not yet out-run, and which clause he alleged was of the nature of a tack for that space, and so the security was real for that time; which allegiance was repelled, and the wadset constituted only by the contract, albeit having that clause of the suspension for certain years, was found only personal, and not to be as a tack, and so not sufficient to defend against a compriser, or any other singular successor.

Act.

Alt. *Lawrie.*Clerk, *Gibson.**Durie, p. 400.*

Obligation to grant a Tack; See OBLIGATION.

See APPENDIX.