

R I G H T I N S E C U R I T Y.

S E C T. I.

A right in security is an exclusive right to the subject, but not to the rents or annualrents.

1634. *July 11.* EARL of Lothian *against* VASSALS of Jedburgh.

No 1.

THE Earl of Lothian pursued the Vassals of Jedburgh, for payment to him of their teind-duties diverse years preceding. *Alleged*, They had made payment thereof to Sir John Ker, to whom they were in use of payment. *Replied*, They were *in mala fide* to make payment to Sir John, because he was denuded before, of the right thereof, by a comprising, and a public infestment holden of the King following upon the comprising. *Duplied*, That put not the defenders *in mala fide*, except the pursuer would allege some diligence done after the comprising and infestment, without which the defenders were still *in bona fide* to continue their payment to Sir John. *Triplied*, The public infestment was enough without other diligence, which none can (at least ought to) be ignorant of. THE LORDS found the allegiance relevant, and forced the pursuer to reply, that he had served inhibition after his infestment, which took away the exception.

Spottiswood, (COMPRISING.) p. 54.

1665. *December 7.*

KATHARINE SMITH and WILLIAM DUNCAN *against* ISOBEL ROBERTSON.

KATHARINE SMITH and WILLIAM DUNCAN having apprised from Isobel Robertson and John Wilson, all right they had to a tenement, under which fell

No 2.

A wife not liable to her husband's creditor's apprising his *jus*