

By contract before Denunciation 23 Decemb. 1673 Dalme  
: hoy contra Lore Almonc.

Compensation Disolves all the Accessories to the Obligation, as the  
Pledge l. 12 C. 2 Compens. and Cautionary arg. l. 43 P. d. Solus. 11. 12. 13.  
the Court of the Annualrent Compensated; tho the Compensating  
fore no Annualrent, from the time that both debts concurred, and  
the last debt appears to have been due. l. 4 C. 2 Compens. 11. 12.

H. Eccl. Clair lib. 1. Tit. 18. 16. pr. So that between persons who are  
Reciprocaly indebted to one another, if there be Sumis owing, and  
Yearly Interest, the Accounts and Computations ought to be made  
Year by Year and in such a Manner, that the Compensation  
Deductions be Made at the times when the Compensating Sum is paid  
one; that the Interest may run or cease to run, according to the  
Exchange, which the Computations and Deductions may be made  
Where the Compensating debt is Liquidated ex post facto, Compen-

sation of a Bond with virtual Rent of Lands owing by the  
Debtor, was insisted to take effect not only from the date  
of the Decret Liquidating the rents, but from the time the rents  
were therein proved to be due 5 Feb. 1669 Helene contra  
: son. but afterwards Compensation upon Bonds of Money  
: See, 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Money; and Compensation upon Bonds of Diet and of the like  
: tations, effectual only from the Liquidation 4 Decemb. 1673  
Cunninghame Compensation of a debt due by one to his wife  
upon species or Portion payable by the Creditor to the Debtor  
name of each duty, which the former by a Clause in the task was  
allowed to retain in his hand in so far as would compensate  
his annual rents yearly and termly during the Holdayment  
was found not to take effect at the terms they became due by  
task, but only from the Liquidation 23. Novemb. 1711 Murray  
: M. Guffock of Glisco. If two debts to be Compensated be, tho equal  
in the sum, distinguished by some Differences which may be  
Estimated, the same may be considered in Making the Compen-

sation Thus for Example, if he who was to pay a Sum of  
: Money in a certain place, where it was the Creditors Interest  
to have it paid, doth Compensate it in another place, and  
is by that means  
: freed from the Charges it would have cost to have Remitted  
The

the

The Money to the place where it was to have been paid: in Making  
: the Compensation, the Value of the said Remittance may be Estimated  
l. 16. See Compens.

The Benefit of Compensation may be waivd from either Expressly  
or Tacitly. A Debtor waiveth from Compensation Expressly by Renouncing  
the same either Expressly or Tacitly; thus Lord Dalme 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Competent to a Debtor when the Creditor Compensation upon a regular  
: ed by the Charter instructed and produced; and he waiveth  
bound in toto to take up the said right and make use of it afterwards;  
being it was not delivered to the Debtor, nor any general of his  
: tion or Minute here of Dalme 17 Decemb. 1674 Lore Dalme  
: tra Tennants Berwick and Free Lord of Dick. A Debtor Renou-

nceth Compensation Tacitly, by granting a Bond of Corrobora-  
: tion of the Debt, and obliging himself to discharge it 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

1672 Murray contra Spicing of Ashinillie. Or in Accepting  
a bill of Exchange, which cannot be annulled or rescinded  
: Upon the first debt. A Debtor's Renunciation of the Benefit  
of Compensation will stand good against the Debtor's  
: nali Objections; but not against any person having the Debt  
proposed the Compensation to his Creditor Clair lib. 1. Tit. 18. 16. pr.  
: 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Compensation, is by not proposing the same before sentence  
: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Where our Law does not allow of Compensation, it sometimes  
: admits Retention  
of Retention.  
Retention is not an absolute Extinction of the obligation, or a  
: Personary Exception but a Dilatory, or a Suspension of the Effect  
thereof till Satisfaction be made to the Retainer, for some Claim  
that is not Liquid. Thus, Manuaries or Depositories are allowed  
to Retain things Intrusted to them till they be Reimbursed of Neces-  
: sary and profitable Expenses bestowed thereon. In which Case the  
Law allows Retention in a Man's own hand to have the same  
Effect as Arrestment of a Subject in the hands of another; for  
that a person cannot affect by Arrestment or otherwise a thing  
which is in his own hand; and pro facto habetur, per quem non  
Statit quo minus fieret.

Writers have Jus Hypothecae of their Clients papers in their  
: Hands which they may Retain till their Accounts of Writing  
Be