

R E P R E S E N T A T I O N .

1543. July 27. SINCLAIR *against* CONVENT of HOLYROODHOUSE.

OLIVER SINCLAIR called the Commendator and Convent of Holyroodhouse, to warrant to him the tiend sheaves of the _____, and claiming him to be restored thereto, because he had two years to run of his nineteen years tack thereof, made by the Abbot and now Bishop of _____ and convent of the said abbey, from which he was put by the forfeiture led against him, the which is now reduced in Parliament, and he by decret thereof decerned to be restored to all tacks that he had at the time of his forfeiture. It was *alleged* for the Abbot and Convent, that they ought not to warrant him *quia hæc evictio*.

Nevertheless THE LORDS decerned them to warrant the said tack set by the said Abbot and Convent, *quia litera assedationis facta dicto Olivero Sinclair in utilitate ecclesiæ et de jure successor tenetur ex contractu predecessoris*.

Fol. Dic. v. 2. p. 345. Sinclair, MS. p. 55.

1565. March 2. DOUGLAS *against* FEUARS.

IN an action of reduction of infestment of feu-farm of the kirk-lands of _____ moved by Mr Archibald Douglas against the tenants thereof, the defenders desired a day to call their warrant of the executors of him who had set the said lands in feu-farm, the last possessors of the said benefit. It was *answered*, The said infestment made no mention of any sums of money received from the farmers, therefore they ought to have no warrant. It was *answered*, In respect of the yearly mail contained in their charter, the setter ought to warrant; likewise warrandice is given upon assedations. THE LORDS found, That the executors or heirs of kirkmen, in such cases, should not be obliged to warrandice, albeit

No 1.

An Abbot and Convent found obliged to warrant a tack let by their predecessors.

No 2.

When kirk lands are let in feu, found that the heirs and executors of the letter were not bound in warrandice, although the feuar paid money at his entry, because it was