

1614. July 21. PATRICK FALCONER *against* The EARL MARSHALL.

No. 9.

In an action of warrandice pursued by Patrick Falconer against the Earl Marshall, for warranting to him of the lands of Brunton, within the Barony of Garvock, to be free of multures; the Lords decerned against the Earl of Marshall, in respect by the contract of wadset he had disposed the said lands of Brunton to be holden blench, and was obliged to warrant the same free of all incumbrances.

*Kerse MS. f. 200.*

1615. December 15. HAMILTONS *against* The LAIRD OF NIDDRY.

No. 10.

In an action of warrandice pursued by Hugh Hamilton and Mr. James Hamilton, advocate, against the Laird of Niddry, the Lords found that the Laird of Niddry, as heir to his goodsir William, who disposed the lands to John Wauchope, Bailie of Niddry, his brother, could not be obliged to warrant the said disposition from the forefaulture led against the said Archibald, because Archibald was not heir to William, and could not be heir to his father, Robert being living; and the falling of the Bailie's lands in forefaulture proceeded from the fact and deed of the said Bailie of Niddry, who did not confirm his infeftment.

*Kerse MS. f. 200.*

1617. July 11. GORDON *against* LORD HERRIES.

No. 11.

In an action of warrandice pursued by Gordon of Crachlaw against Lord Herries, the Lords restricted the warrandice to the sums paid by Crachlaw to John Murray, and to the annual-rent thereof since the payment.

*Kerse MS. f. 200.*

1617. December 18. GAIRLIES' *against* ———.

No. 12.

Found by the Lords an exception relevant, that the Lord Gairlies being charged to enter heir to his goodsir, therefore ought to renounce or warrant.

*Item,* They repelled an exception, bearing, that the Lord Gairlies's father was universal intromitter with his goodsir's goods and gear, because they found that *eo nomine* he could not be obliged to warrant the heritable infeftment, notwithstanding that he had no heir.

*Kerse MS. f. 200.*