

1611. July 4. LD. CULTER *against* \_\_\_\_\_.

He who had a tack after the redemption of wadset-lands, being warned to remove by the Lady Culter from her terce, defending himself, that his tack was interrupted by the ward, which hindered him to possess divers years of his tack, for the which he must have as many now after the ward; the tercer replied, That her terce was not subject to the ward, and that the interruption of the ward cannot make her to acknowledge any years of the tack after the ward, and that the tacksman must pursue his warrandice against the heir of the redeemer. The Lords found, That if she had claimed her terce *debito tempore*, she would have got the third of the duty of the tack, and the tacksman would have bruiked the third part lands, and that his silence making him to be removed by the wardator, he behoved to have as many tacks as he wanted by the ward.

*Haddington MS. v. 2. No. 2257.*

No. 7.  
Tacks sleep  
during ward.  
See No. 3.  
*supra.*

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1614. November 11. WILLIAMSON *against* THOMSON.

In an action of removing pursued by Mr. Robert Williamson, superior of the Temple-lands, against John Thomson, heritor of a part of the same lands, for removing therefrom, as being in the hands of the said superior by reason of (ward,) the Lords found, That the said John Thomson's charter bearing these words in the *reddendo*, viz. "reddendo sedecim nummos ad duos anni terminos festa, viz. Pentecostes et Sancti Martini, una cum servitiis in curiis nostris et alibi debitis et consuetis," to be holden ward.

*Kerse MS. fol. 68.*

\* \* \* Haddington reports this case:

Mr. Robert Williamson pursued a removing against Thomson of Glengavil. He excepted, That he was apparent heir to his father, who was heritably infest in these lands, and many years in possession, and produced his infestment. It was answered, That the holding of the charter was for payment of sedecim nummos nomine annualis reditus una cum servitiis debitis, which was ward; likeas, in an action pursued by the \_\_\_\_\_ of Blantyre against John Douglas of Preston, the lands of Preston holden *nomine annualis reditus*, without any mention of sums, was decerned to be holden ward. In respect whereof, the Lords repelled the exception, and found the lands holden ward, and could not defend the excipient during the ward.

*Haddington MS. No. 2577.*

No. 8.