

*JUS SUPERVENIENS AUCTORI ACCRESCIT
SUCCESSORI.*

SECT. I.

Where the author is liable in Warrantice.

1621. *January 16.* TENANTS of Fouldon *against* BROWN and Others.

THEY suspended against William Brown and others on multiplepointing for their farms. William Brown *alleged*, he is infeft in an annualrent of L. 1000 by Mr Patrick Nisbet, who was infeft by the heritor. *Alleged* for Alexander Foulis, that he is assignee by Dame Elisabeth Hepburn, his godmother, to her liferent, of an annualrent of 2000 merks, wherein she is infeft, and William Brown's right is in his person to the behoof of John Arnot of Woodmylne, under a borrowed name. Woodmylne is heir to Dame Elisabeth's author, Sir John Arnot, and must warrant her infeftment, albeit posterior to Mr Patrick Nisbet; *2do*, To the behoof of William Arnot, who is bound to warrant her infeftment. Admits the second allegiance.

Clerk, *Durie*.

Fol. Dic. v. 1. p. 513. Nicolson, MS. No 102. p. 68.

1626. *July 12.* LADY KILBIRNY *against* HER TENANTS.

A tack let by a Lady, of lands to which she afterwards acquired right, sustained against her.

Fol. Dic. v. 1. p. 513. Durie.

*** This case is No 22. p. 6422, *voce* IMPLIED DISCHARGE and RENUNCIATION.

No 1.

A prior and better right comes in the person of one obliged to warrant a posterior right. The posterior is preferred to the prior.

No 2.