

William Ramsay, tacksman thereof, the same reason was repelled by the Lords; for, in all tacks and feus of teinds or lands temporal or ecclesiastical, it is required allenary to the effect that the alienation or tack be of strength, that the said rental thereof be not diminished, how little ever it be eiked, albeit the lands or teinds be worth ten times more than they gave. *2do*, THE LORDS repelled the reason of the said Provost, alleging that his predecessor might not set for 19 years *etiam cum consensu capituli*, since the property of the provosty pertained thereto, and no ways to the prebendary and chapter, because *De consuetudine regni prelatus quicumque secularis vel religiosus cum consensu capituli assedare potest proprietatem suæ dignitatis et prelaturæ pro tanto spatio etiam irrevocabiliter quo predecessores.*

No 4.

Sinclair, MS. p. 30.

1558. *March 26.* PARSON OF MUCKARSIE *against* ABERCROMBY.

ANENT the action pursued by the Parson of Muckarsie against Mr William Abercromby for reduction of a letter of tack for the space of five years, set by the said Parson's predecessor for the said parsonage, it was *alleged* by the said Parson, That the said tack should be reduced, because his predecessor might set but three years by the law, and, at the least, he was not obliged to keep any tack set by his predecessor for more years than three; which allegiance was repelled, and found by the LORDS that a parson may set his benefice for five years, and his successors to keep the same.

No 5.
When tacks are let by kirkmen for no longer than five years, their successors are bound to maintain the tenants in possession.

Fol. Dic. v. 1. p. 528. Maitland, MS. p. 125.

* * Balfour reports this case :

A PERSON may set five zeiris takkis and assedatiounis of his benefice, and of the fruitis thairof, bot not of his manse; and his successour is bund and oblist to warrant the samin. And mairover, gif the setter happinis to deceis befor the ishe of the takkis, his successour may not seik ony farther dewtie fra the takkismen than that quhilk is contenit in the tak, untill the zeiris and termis specifyt thairin be fullie outrun and completit.

Balfour, (ASSEDATION.) No 22. p. 204.

1566. *February 28.* VICAR OF BOWTON *against* COCKBURN.

ANENT the action pursued by the Vicar of Bowton against Laurence Cockburn before the Commissaries of Edinburgh, for reduction of a letter of tack

No 6.
Tacks to endure during the letter's