

- No 12. day at five o'clock in the afternoon his predecessor was slain, *ita ut veri-similiter ejus notitia ad principem tam cito pervenire non potuerat*. Answered, That that rule and law of the Pope did not oblige the King's subjects, the Pope's jurisdiction being abrogated. The LORDS found, that the rule *de verisimili notitia* should have place, not for the authors of the law, *sed propter rationem legis, quæ est anima legis, viz. ne detur occasio captandi mortem alterius*.

*Spottiswood, p. 187.*

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- No 13. 1610. February 22. HUNTER against CRICHTON.

IN an action of reduction of a tack set by James Blackwood, parson of Sanquhar, to the tutor of Sanquhar *contra* William Crichton of Eyhill, son and heir to the tutor, and against Robert, Lord Crichton, of Sanquhar, assignee to the said tack, which was desired to be reduced at the instance of Mr Robert Hunter, parson of the said kirk of Sanquhar, upon this reason, that James Blackwood, setter thereof, was lawfully deprived in 1577, it was found by the LORDS, That the reasons of reduction were relevant to reduce the said tack, notwithstanding it was answered thereto, that the time of the said deprivation, the kirk had no power to deprive, but *ab officio* allenary, and not *a beneficio*, and that the warrants of deprivation *et ab officio et a beneficio* was long after the date of the said tack, viz. in *anno 1584 et 1594*, which is expressly extended *ad præterita*, and in respect that James Johnston, setter thereof, was deceased long before the intending of the cause.

*Kerse, MS. fol. 40.*

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- No 14. 1611. January 23. RAMSAY against MAXWELL.

HE who obtained a tack of vicarage teinds, not apprehending possession by virtue thereof before the demission of the benefice by the setters, if he who is thereafter provided obtain peaceable possession many years, the tacksman will not be habile to controvert with him, if his tack apprehended not possession.

*Fol. Dic. v. 1. p. 528. Haddington, MS. No 2113.*

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- No 15. 1612. January 9. HOME against HOME.

IN the action of spuilzie of teind-sheaves, pursued by Sir John Home of Huttonhall against Robert Home, it was found that a tack of teinds set by Mr Thomas Ogilvie parson of Dunglas, to Sir John Home, his entry thereto to be at the day of the said Thomas his decease, was null, as conferred *in tempus indebitum*; and when Huttonhall *replied*, that the successor to the bene-