

KIRK PATRIMONY.

SECT. I.

Nature of this species of Property.

1501. December 14. BISCHOP of ABERDEEN *against* JOHNE FORBES.

GIF ony Bischop, or ecclesiastical persoun, settis in tak and assedatioun ony landis, fischingis, rentis, posseisiounis, pertening to him as part and pertinent of his bischoprik or benefice, to ony persoun or persounis, for all the dayis of thair lifetimes, his successouris may call him or thame to quhom the said assedatioun was maid; to heir and se the samin decernit null and of nane avail; because the samin aucht to be reducit in respect it was gevin for the lifetime of him or thame to quhom it is maid; quhilk kind of tak and assedatioun is alienatioun, and contrare the lawis of this realme, except the samin be dewlie confirmit.

Fol. Dic. v. I. p. 528. Balfour (ASSEDATIOUN,) No 17. p. 203.

No 1.

A tack by an ecclesiastic for the life of the lessee is null, if not confirmed.

1504. Murch 12. The ABBOT of CROSRAGUELL *against* JOHN HAMILTON.

ANE tak and assedatioun of ony landis, housis, zairdis, orchardis, or ony uther rent or possessioun pertening to the kirk, set and gevin to ony man, for all the dayis of his lifetime, is null and of nane avail, and may be reducit, except the samin be sufficientlie confirmit; because siclike assedatiounis ar ane kind and form of alienatioun.

Na dwelling-place, housis nor utheris, na orchardis, zairdis, landis, nor thair pertinentis, may be set in tak and assedatioun, gif thay be within the wallis and zettis of ony abbacy.

Fol. Dic. v. I. p. 527. Balfour (ASSEDATIOUN,) No 18. p. 203.

No 2.

Found that religious houses could not be let in tack or feued.