

1541. *December 18.*BISHOP OF ABERDEEN *against* the EXECUTORS of the late BISHOP.

No. 3.

IN a cause moved betwixt the bishop of Aberdeen, and the Executors of umquhile Gavin, bishop thereof, the LORDS decerned that of the practice of Scotland, all prelates of the realm might set five years tacks, and that their successors should, and ought to keep the same, and so that the said William bishop ought to keep five years tacks set to certain tenants by the said umquhile bishop Gavin, and not to claim the duties and grassums therefor.

Fol. Dic. v. 1. p. 528. Sinclair, MS. p. 7.

* * * Balfour reports this case :

ALL bischoppis, and utheris prelatis within this realme, may set five zeir takkis to thair tenentis, or utheris, of landis or possessiounis pertening to thame as part and patrimonie of thair benefices, without consent of thair cheptour or convent; and thair successouris aucht and sould warrand and keip the samin, and may not seik ony girsum, proffeit, or commoditie thairfoir.

Balfour (ASSEDATION,) No 20. p. 204.

1542. *May 25.*The PROVOST of QUEEN'S COLLEGE *against* The LAIRD of BUCCLEUGH.

No. 4.

ALL prelatis within this realme may set in tak and assedatioun thair teindis, or ony uther propertie, or part and patrimonie of thair prelatie, with consent of thair cheptour, for all the dayis and space of ninetene zeiris, and thair successouris ar bund and oblist to warrand the samin.

Fol. Dic. v. 1. p. 529. Balfour, (ASSEDATION.) No 21. p. 204.

* * * Sinclair reports this case :

THE LORDS absolved the Laird of Buccleugh from the summons intended against him by the Provost of the Queen's College anent the reduction of his 19 years' tack of the kirk of ———, set to him by the Provost's predecessor, Mr Robert Erskine, because the reason of the summons was not relevant nor sufficient to reduce the tack, viz. that the said tack was set within the half of the just avail of the kirks fruits, which cause of the practice of Scotland has no place, *ut de jure communi L. 27. De rescindenda venditione*; and lately in the reduction of 19 years tacks of certain teinds and lands of Pitlochrie, of the moved by the commendator of the priory against Sir