

- No. 13. a subscribed tack in writ thereupon. After he had bruiked the land one or two years, he renounces his tack. Andrew Lawrie pursues him before the Bailies of Stirling to perfect his promise anent the subscribing of the tack, and summoned him to give his oath *de calumnia*. He is holden *pro confesso*, and the promise is proved by witnesses, and Walter decerned to perfect the tack. He intents reduction of this decret, as unjustly given by probation of witnesses, seeing no more than a year's tack could be proved by witnesses, but that the promise of more years ought to be proved *scripto vel juramento p̄artis*. The Lords ordained Walter to give his oath anent his promise.

Auchinleck MS. p. 234.

1630. February 10. SIR WILLIAM MURRAY *against* _____.

- No. 14. Sir William Murray pursues a tenant who had taken a room from him by a verbal tack, and had been in possession of the room at Whitsunday, and had removed therefrom at Lammas for a year's duty. It was controverted betwixt them concerning the conditions of the contract. The defender offered to prove by witnesses. The Lords found it should be proved either *scripto* or oath of the defender.

Auchinleck MS. p. 235.

1631. July 29. BISHOP of the ISLES *against* M'LEAN.

- No. 15. The reduction of a tack set without the consent of the Chapter, must be libelled in this manner, that the time of setting the tack there was so many of the Chapters living, whose names must be expressed in the libel, and that such and such persons being alive for the time had not subscribed the said tack: Which they found relevant in the action of reduction pursued by the Bishop of the Isles against M'Lean.

1631. November 1.—Notwithstanding, the Lords would not cast the summonses, but suffered the Bishop to mend them, and the party to answer thereto.

Auchinleck MS. p. 234.

* * Durie's report of this case is No. 17. p. 5630. *voce* HOMOLOGATION.

1636. July 16. MR. ROGER MOWAT *against* JOHNSTON.

No. 16.
Verbal Tack.

Mr. Roger Mowat, donatar to the escheat and life-rent of Alexander Keith, pursued one Johnston, to whom the said Alexander had set a verbal five years