

No 2. 1681. *January 27.* JACK *against* TOWN of STIRLING.

THE common good of burghs royal must be let yearly by public roup.

Fol. Dic. v. 1. p. 157.

* * * *See* The particulars of this case, No 3. p. 1838.

1685. *November 24.*

THE ARCHBISHOP of ST ANDREWS *against* THE MAGISTRATES of GLASGOW.

No 3.
A burgh attempted reduction of a deed of their Magistrates, alleging a burgh was on the footing of a minor. This found irrelevant, but action reserved against the Magistrates.

THE Archbishop of St Andrews having charged the Magistrates of Glasgow, upon a bond of 20,000 merks, granted to him when he was Archbishop of Glasgow, by their predecessors Magistrates; they suspended, upon these reasons, *1mo*, It was acknowledged that the bond was granted for a tack of the teinds of Glasgow; and the town being minors, they ought to be reponed, in so far as they were prejudged and leased by the deed of the Magistrates; and that, true it was, they were prejudged by the granting of this bond, because the teinds set were not of an adequate value to the sum contained in the bond; *2do*, That the tack was no sufficient security, it being set by the bishop, by way of anticipation, before the expiring of the old tack: As also, that the entry of the tack was *collatum in indebitum tempus*, viz. at Michaelmas 1684; whereas the present bishop's *conge de Eslire* came down before that time, so that the charger was no more bishop there. It was *answered* for the bishop, That there was no lesion in the tack, being of a far greater value than the sum in the bond. But, *2do*, It was not relevant, the transaction being betwixt him and the Magistrates, who were *majores & scientes*, and denied that the town was in the case of minors. And, *3tio*, That the nullities of the tack were not competent to be proponed by the Magistrates, there being no eviction or distress, and that they could not quarrel their own right.—THE LORDS repelled the first reason, reserving action to them against the Magistrates for the time; they repelled likewise the second reason, the tack not being yet quarrelled nor reduced: And also, in regard they would not allow them to quarrel their own tack.

Fol. Dic. v. 1. p. 156. Pres. Falconer, No 104. p. 73.

1690. *February 1.*

THE MAGISTRATES of EDINBURGH *against* JOHN PATERSON.

No 4.
Magistrates had granted a tack for two 19 years.

ARBRUCHELL reported the Magistrates of Edinburgh against John Paterson, for reduction of a feu, granted to him by the Town in 1684, of a piece of