

- No. 60. that they could not be removed, and might dispone their rights to extraneous persons. See APPENDIX.

Fol. Dic. v. 2. p. 419.

1730. February 3.

ALISON *against* RITCHIE.

No. 61.

A tack being let for an elusory tack-duty, and for an endurance of 2400 years, was found not to have the benefit of the act of Parliament in favour of tenants, and therefore not good against singular successors. See APPENDIX.

Fol. Dic. v. 2. p. 419.

1737. November 22.

REDPATH of Angelraw *against* WHITE.

No. 62.

In a removing against a tenant, who had entered into possession, in virtue of a minute of tack, which bore no term of endurance, it was pleaded, That a tack wanting an ish, is void and null, Stair, Tit. Tack, § 27. Such a tack must be perpetual or nothing. It is a principle, that all obligations are, in their nature, perpetual; therefore, there can be no *medium*, but either that the tack is null or perpetual; for, supposing it once legally constituted, there is nothing to limit the endurance. Answered, Though other obligations be, in their nature, perpetual, this is inconsistent with the nature of a tack; and therefore it must be *in arbitrio judicis* to fix the time of endurance; and, as to this, there are clauses in the tack, which show it was intended to endure longer than one year, such as, that the tenant is tied to muck a certain quantity of ground yearly, to bring home to his master, every year, twenty loads of coals, &c. The Lords sustained the tack for two years. See APPENDIX.

Fol. Dic. v. 2. p. 420.

1758. December 6.

HIS MAJESTY'S ADVOCATE *against* CAPTAIN JAMES FRASER of BELLADRUM.

No. 63.
Tack for
1140 years
valid

Upon the 8th June, 1670, Hugh Lord Lovat, in consideration of a sum of money advanced, granted a tack to Simon Fraser, his heirs, assignees, or subtenants, of the lands of Fingask, for nineteen years, from Whitsunday 1670; "and after the ish and expiration of the said nineteen years, for all the days, years, and terms of other nineteen years; and at the ish and expiry of the said second nineteen years for all the days, space, and years and time of other nineteen years; and so forth, from nineteen years to nineteen years, during all the years of twenty times nineteen years; and after the expiry of the said space of the said first twenty times nineteen