

No 9.

Found that the mansion-house of an abbay with the inclosures thereof, and orchards, though without the walls, could not be feued.

1569. February 4.

The KING and the ABBOT of Balmerino *against* the LAIRD of Kynneir.

ALL infeftmentis of few-ferme, of all and hail ony abbay place, housis, biggingis, zairdis, orchardis, als weill within as without the walls of the said abbay, togidder with all the fermis, rentis, and dewties of the samin abbay, and advocatioun and donatioun of kirkis, maid and gevin to ony persoun heritable, and his airis, is of nane availl, force, nor effect, and sould be reducit; because the samin is not only gevin in manifest hurt of our Soverane Lord, and his patrimonie, quhome to the nominatioun and provisioun of all abbayis pertenis, as undoubted patrour thair of; bot also it is maid and gevin agains all gude ordour, statutis, and lawis, be the quhilk all universall dispositiounis, and specially of sic placis, advocatiounis, donatiounis of kirk landis, ar defendit, inhibit, forbidden, and declarit to be of nane avail, force nor effect.

Fol. Dic. v. 1. p. 527. Balfour, (FEWIS.) p. 171.

1579. November 17.

A. *against* B.

No 10.

It was found by the LORDS, that a tack set by the possessor of the benefice, for three years to three years, ay and while the space of 19 years be run forth, should be sufficient to him to whom the tack is set after the decease of the setter (he being in possession) to serve him for three years, and not to serve him for the 19 years tack to the next entrant to the benefice.

Fol. Dic. v. 1. p. 529. Colvil, MS. p. 274.

1583. March. PARISHIONERS of Cumnock *against* LAIRD of Caprington.

No 11.

Found in conformity with Vicar of Bowton *against* Cockburn, No 6. p. 7935.

IN the acsion of double poinding pursued betwixt the parishioners of Cumnock and the Laird of Caprington, as donatar to the escheat of the Laird of Cumnock, the Laird of Caprington *alleged*, that he ought to be answered and obeyed, because the Laird of Cumnock had tack and assedation of the teinds of the kirk of Cumnock, set by Hamilton, parson thereof, first a nineteen year's tack, and a seven year's tack, and a liferent tack. The nineteen year's tack being produced, compeared one of the parson's setters thereof, and *alleged*, that the same was null of the law, and that Caprington could have no action by virtue of the same, because it wanted the solemnities requisite of the law in a nineteen year's tack, which were the seal and consent of the bishop and chapter, without which there could not a nineteen year's tack subsist. It was *answered*, that the parson had set the same, and subscribed it, and by a contract bound and obliged himself to set it; and as to the rest of