

office had ratified his tack, and set him a new tack, it was *answered*, That all that was done after the inhibition, and so he not having a valid title the time of the inhibition, he could have no action of spuilzie for that year.

No 15.

*Fol. Dic. v. 1. p. 528. Haddington, MS. No 2347.*

1614. *June.*HEWIT *against* EARL of CASSILIS.

IN a reduction of a tack of the \_\_\_\_\_ of \_\_\_\_\_ pursued by Mr Patrick Hewit *contra* the Earl of Casillis, upon this reason, that the tacks wanted the common seal of the convent, the matter being disputed, the LORDS were loath to decide, and so the whole was referred to the Bishop of Glasgow by both parties. In this case, there was alleged a practice betwixt the Laird of \_\_\_\_\_ and the parishioners of \_\_\_\_\_ dated in 1589, but there the tack wanted also the convent, because there was none.

No 16.

*Kerse, MS. fol. 40.*

1616. *July 12.*L. of DRUMLANRIG *against* The Lo. of CONHILL and Others.

IN an action betwixt the Bishop of St Andrews and the parishioners of Kilwinning, the LORDS minded to find, that the abbacie of Kilwinning might be dissolved *sede vacante* by his Majesty without consent of the Parliament, but thereafter it was recalled in an action of reduction pursued by the L. of Drumlanrig *contra* the Lo. of Conhill and Others, tacksmen of Carlaverock, for reduction of a tack set by the Provost of Lincluden, the LORDS found, that a provostrie was not a prelacy, and therefore found the tack null, because it was not set with consent of the patron conform to the act of Parliament made *in anno 1594.*

No 17.

*Kerse, MS. fol. 40.*

1622. *March 14.*MAXWELL *against* DRUMLANRIG.

IN an action of reduction pursued by Edward Maxwell of the Hills against the Laird of Drumlanrig, the LORDS found, that a tack of teinds set by a provost of a college kirk having a chapter of prebendaries, was not lawful if it had not the consent of the most part of the prebendaries; so as if there were six prebendaries, there behoved to be four consenters to the Provost and to his deed. It was also found, that albeit there were prebendaries who were minors or furth of the country, *animo remanendi*, that the want of their consent did not invalid the tack, unless the minors were of 14 years of age complete, otherwise their

No 18.