

act of Parliament 1585, discharging any conversion of victual into money, they find the church lesed by the smallness of the price in the conversion, and therefore reduce tack.'—This is a leading case, and opens the door to the reduction of many such tacks. The Bishops are now talking, that, when the Parliament shall sit, they would have an act of Parliament binding them up, that they may not have power to set tacks of their teinds for nineteen years, to wrong the next successor, but only during their lifetime, as other inferior clergymen do; that these casualties may not be forfeited and given away from the next incumbent, who may not out-live the expiration of that tack set by his predecessor. But, at this rate, few would take tacks from them, at least would give little or nothing for grassums and entries of so uncertain a tack. However, ere long the tacks of many teinds will fall through Scotland, though set for many nineteen years before the restraining act in 1617; and then they will either fall in the hands of the kirkmen, or of the titulars and Lords of erection. These long tacks of teinds were invented, because teinds after the Lateran Council might not be perpetually given away in feu, as being *juris sacri et divini*; and it is wondered how the laymen consented to the abridging the clergy's unlimited power in setting such tacks.

No 31.

Fountainhall, v. 1. p. 227.

1685. *March.* MR WILLIAM BARCLAY *against* The COLLEGE of ST ANDREWS.

No 32.

IN an action at the instance of a minister against the College of St Andrews, for payment of L. 40 of augmentation to the pursuer, as *decennalis et triennalis* possessor thereof by a presumed right;

*Alleged* for the defender; The foresaid rule of chancery presumes only a minister's title to be good where it is not produced; but where it is produced, as here, it may be convelled by nullities, and *præsumptio cedit*. And the pursuer's title to the L. 40 is null; for that though it flows from the college, it is not subscribed by a *quorum* of the masters appointed by the foundation.

THE LORDS sustained the allegiance for the college, and assoilzied.

*Harcarse, (MINISTERS.) No 694. p. 196.*

1686. *December.* MINISTER of LOGIE *against* The HERITORS.

No 33.

THE designation of a minister's glebe being quarrelled as half an acre more than the four allowed by law;

*Alleged* for the minister; That he and his predecessors had been thirteen years in possession.

*Answered*; *Decennalis et triennalis possessio non relevat in petitorio*; *2do*, This presumptive title *cedit veritati*; for the true title being the designation of