

1601. *January.*A. *against* B.

No 58.

IN an action reported be the clerk of register anent ane tack set be ane man that was at the horn after his rebellion; the LORDS fand the tack null, because it was for ane less dutie nor the lands had paid before.

*Fol. Dic. v. I. p. 556. Haddington, MS. No 645.*

1611. *March 8.*EWING *against* LAIRD of LEY.

No 59.

HE who is at the horn setting tack of teinds, albeit before his escheat be given or declarator obtained, yet the same being thereafter quarrelled by the donatar, having obtained declarator, the tack will not be valid against him.

*Fol. Dic. v. I. p. 556. Haddington, MS. No 2184.*

1611. *July 19.*LORD SALTON *against* STEWART.

A TACK set by him who is at the horn, will not defend the tenant, being pursued to remove by the donatar having obtained declarator.

No 60.  
Found in conformity with the above.

A TACK set of lands with consent of a Lady liferenter after that she had remained year and day at the horn, will not defend in a removing, if albeit it be set before the liferent was disposed, or declarator intended thereupon.

*Haddington, MS. No 2279. & 2281.*

1614. *December 7.*CHARTERS *against* M'LELAND.

No 61.

IN an action pursued by Mr Henry Charters against James M'Leland of Belina, the LORDS found, that a tack set by a rebel for the old duty *stante rebellion*, could not be taken away by the gift of escheat, because the tack was set before the expiring of year and day.

*Fol. Dic. v. I. p. 556. Kerse, MS. fol. 219.*

1621. *November 20.*PARTON *against* DRUMRASCH.

No 62.

TACK set to a kindly tenant after the rebellion and before the gift of liferent and declarator, sustained.

*Fol. Dic. v. I. p. 556. Kerse, MS. fol. 221.*