

22d March 1626, *voce* TACK; Lord Blantyre against the Parishioners of Bothwell, 18th March 1628, No 37. p. 6434; and the College of Glasgow against Stewart, 20th February 1633, *voce* TACK.

No 7.

To shew that it was not the sense of the law, that rentals should be the rule of valuations, it was mentioned on the Bench, that on the 28th February 1628, the Commissioners ratified a letter from the King, declaring old rentals to stand for a valuation only where the parties consent or do not oppose it. See Forbes, cap. 9, § 3. pag. 399.

“THE LORDS having considered the bill and answers, adhered; and refused the desire of the petition.”

Act. A. Boswell.

Alt. R. Craigie.

S.

Fol. Dic. v. 4. p. 89. Fac. Col. No 69. p. 103.

1757.

HERITORS OF DRYMEN *against* OFFICERS OF STATE.

No 8.

THE Duke of Montrose, and other Heritors of the parish of Drymen, having insisted in a process of approbation before the Court of Teinds, of a report of the sub-commissioners valuing their teinds in 1630, the same was opposed by the Officers of State, upon the ground, that all benefit arising from it was cut off by the negative prescription; and further, that it must be held as derelinquished, in consequence of the heritors having possessed their teinds by tacks from the Exchequer for above forty years, for payment of tack-duties different from the amount of the teinds as fixed by the report of the sub-commissioners; *Answered*, Such a valuation does not establish a new right to either party, which ought to be put to legal execution within forty years. It only means to restrict the titular's claim to the real value of the tithes at that time, and to lay the foundation for an exception against too high a demand, which being once founded, never can be lost by any course of time. And as to the tacks from the Exchequer, the yearly duty which the heritors paid being considerably within the value of the proven teind, the heritors had no interest to object to the proven species, which was no other than a conversion into money at a lower rate. THE LORDS repelled the objections, and approved of the report. See APPENDIX.

Fol. Dic. v. 4. p. 89.

* * * This decision was affirmed on appeal.