

they consented 26 July 1631 Bishop of the Isles contra Schaw and others. As  
 nothing could be done by a Prelate without the Concurrence of the most Part of  
 his Chapter: so neither could the particular Members of the Chapter, do any thing  
 in their peculiar Benefices, without him and the Majority of the Chapter in  
 Sending. Votes were reckoned according to the Number of Benefices, and not of  
 the Beneficiaries Craig Jhd. McKenzie Observ. on Act 2. Par. 22. J. 6. The  
 Chapter Members needed not to be chapterly convoc'd, but their Consent was good  
 tho' separately obtained, if before Death or Deprivation of the principal grantee  
 of the Right Act 3. Par. 18. J. 6. Craig Jhd. In which Case the last Consent was  
 drawn back to the first. But no Subscription by any of these Consenters  
 avail, if obtained after the Death or Deprivation of the principal grantee  
 of the Right, or of any of the other Subscribers Craig Jhd. §. 11. McKenzie Jhd.  
 Seeing they cannot be said to consent, who are not alive and in Office together  
 at the Time. Tacks set by inferior Ecclesiasticks as Parsons Vicars and others  
 want the Consent of the patron to be interposed thereto Craig Jhd. §. 13. And the  
 Provisions were reckoned among Prelates, they were so far of an inferior Order,  
 that Tacks done by them required the Patrons Consent, <sup>if there was one</sup> as well as the Chapters  
 Stat. Lib. 2. Tit. 8. §. 19. By the Canon Law Beneficed Persons might have  
 granted Leases or Tacks concurrentibus his qui in jure requiruntur for as ma-  
 ny Years as they pleased: but were afterward bound up and restrained by our  
 Law to certain Limitations and Provisions. 1<sup>o</sup> As to the Tacks Duty, they could  
 not set with Diminution of the Rental paid at the Sectors Entry 2<sup>o</sup> As to the  
 Time of Setting, and the Commencement of the Tack. 3<sup>o</sup> As to the Endurance  
 of the Tack. Beneficed Persons cannot effectually set new Tacks till the old be  
 expired. And if they set Tacks to begin after the Issue of the former, and die in  
 the Interval before the Time of Entry by the last Tack, the same is null & void  
 1629 Dumbart contra Furner. The Entry being conferred in tempus indebitum  
 after the Sectors Decease, when he could have no Right. But Tacks set by Ben-  
 ficiaries are real Rights without Possession and will defend against their Successors  
 in Office Milet. Doubt Tit. Tack. For that these are not properly singular  
 Successors, who acquire or purchase, but Successors titulo universalis, not unlike  
 single Corporations, who are tied by their Predecessor's Deeds: or perhaps,  
 because Beneficiaries are but Administrators, and it is the Church that sets.  
 Prelates were rendered incapable to set their Tithes in Tack even with the  
 Chapter's Consent for longer than 19 Years Act 4 Par. 22. J. 6. junct. Act.  
 15. Par. 23. J. 6. But now the Sovereign who is come in place of the Prelates  
 by the Suppression of that Order in Scotland, is restrained by no Law in this  
 Matter: for his Majesty may not only grant long Tacks, but also heretofore  
 Rights of Bishops Tithes. Inferior Beneficiaries may at their Pleasure

set

set Tacks of their Tithes for three Years without Consent of the Patron  
 Act 200. Par. 14. J. 6. And for their own Lifetime and 5 Years after with  
 his Consent d. Act. 4. Par. 22. junct. d. Act. 15. Par. 23. J. 6. Longer Tacks  
 not consented to by the Patron stand good for three Years only, 17 July 1660  
 Johnston contra London. A Patron's accepting a Right to a Tack and ob-  
 taining a Decree of Prorogation, was understood as a subsequent consent to  
 the Tack 19 January 1669 E. Mhol contra Robertson. A Tack set by an  
 inferior Beneficiary, was found sufficiently authorized by the Consent of  
 one in whose Favour an Obligation to dispose the Patronage was conceived:  
 so as it could not be quarrelled by the next Incumbent the Sectors Successor  
 in Office; the Right of Patronage being jus incorporale that may be trans-  
 mitted by Disposition without Investment. 6 July 1666 Dawson of Morum  
 contra Lords of Beirford & Beirston. Which Decision Sir John Nesbet  
 Decis. 25) thought wrong. Because an Obligation to dispose the Patronage,  
 doth not settle the Right of it in the Person to whom it was to have been  
 disposed, but only affords him personal Action for implement, who could not  
 consent as Patron to Tacks, more than he could present to the Benefice. But the  
 Reason of the Decision was, that tho' the Patron was not formally divested of  
 the Right of Patronage by his Obligation to dispose it to another, so as if he  
 had consented to another Tack, that as more formal would have been preferred,  
 yet there being no such Tack competing, the Lords thought that the Beneficed  
 Person could not impugn upon that ground the Tack set by his Predecessor.  
 A Disposition of Tithes for onerous causes to a Creditor, to be enjoyed  
 by him till he was completely paid of a Debt therein specified conform  
 to which he attained Possession of the Tithes, by receiving Payment and  
 granting subaltern Rights thereof: was found not to be modus habilis  
 of Conveyance, or a sufficient Title to maintain the Creditor in Possession  
 against a singular Successor; or to defend him in a Spuilzie after Inhibiti-  
 tion; but only a Security against the Grantor, the Right not being by Way  
 of Tack for a certain and definite Time, or otherwise to make it real 27  
 March 1620 L. Blantyre contra Parishioners of Bothwell.

Judicial Tacks of Tithes are those set by Order of the Commission  
 for Plantation of Churches & Valuation of Tithes &c. For where all the  
 Tithes of a Parish are under Tack, and the Tack Duty left than doth suffice  
 to make up the Minister's Stipend; the Commission used to raise the Tack-  
 Duties, and to recompense the Tacksmen for the Loss and Prejudice  
 sustained by the Burden imposed were empowered to renew and prorogate them