

or his Blood be spent and he have no Heir either in esse or posse, the Nineteen Years must begin to run from the Time of his Death. Stewart contra Stewart's Life Rent. Doubts Tit. Tack of Feinds. Life Rent Tacks fall under the Judicium of such Tacks after the Rebels Decease, as when they contain several Life Rents Act 25. Dec. 22. y. 6. And a Tack for several Nineteen Years according to the longest Life of Man tho' it be not a formal Life Rent would be carried by the Tenants Life Rent. Stewart contra Stewart. The Sir George M'Kenzie's Case on d. Act. 15. leaves this Point undetermined. But a Life Rent Tack as signed to another falls under the Assigny's ~~Life Rent~~ Tack. Stair Lib. 2. Tit. 3. y. 15. Val as if an Assignation altered the Nature of the Subject assigned, by making that movable which before was heritable. But because the Assigny has not the Right for his own Lifetime, but only while the Tenant lives, who may die before him.

Tenants of Tacks they have in Farm in the Country are tacitly obliged, or are without express Fiction under a Necessity of Law, to enter plow and labour the ground l. 24. y. 2. & 3. ff. locati. 21. Epen Feud. 1623. L. Randal's case contra his Tenant Stair Lib. 2. Tit. 9. y. 3. That the Master may have more ready Execution for Payment of the Tack Duty. He must labour as any prudent discreet Man would if it were his own; and ought to keep preserve and cultivate in the Manner as is agreed on by the Tack, or regulated by Custom. He cannot, to encrease his Profits out of the Tack, make any Innovation which may be of Prejudice to the Proprietor, and should cultivate the grounds in their proper seasons l. 25. y. 3. ff. locati. He hath no Power to open the ground for winning of any Mineral Coal Limestone or Pipe Clay; unless his Tack carry Power to do it 15 Feb. 1660 Calquhoun contra Watson Stair Feud. For a Tenant can only improve as colonus, manure or pasture upon the ground and reap the Profits of the Tillage and Pasturage: What is under the Surface, belongs to the Master, who in consequence of his tacit Resignation may break the Ground to come at it, upon satisfying the Tenant for his Damage Tenants are also under an implied Obligation, not to till or rise out Meadow or Greens never before plowed, or to deteriorate Meads by Burning: But to leave the Ground in the same Condition as at their Entry, and the Houses as good as they found them, without getting any Allowance of Expence in repairing and upholding them; unless it be either so expressly provided in the Tack, or the Rent be raised thereby, and are liable for any Damage done to the ground ex natura Contractus, tho' there be no such Provision in the Tack 6. Febr. 1633 L. Huddo contra Johnston Stair Feud. For which the Lessor may by the Law of England bring an Action of Waste against the Lessee who committed the Waste, and

and is upon that Account liable to lose the Thing which he hath wasted, and to pay treble Damages l. Dow. 1. Cap. 5. The Tenant of a House cannot put it to any other Use, ^{than} that for which it was given, nor use it in any other Manner than what is agreed upon. Thus if he be tied not to make a Fire, or not to put Hay in a certain Place, if he do any of these Things and there happens a Burning, he shall be liable for Damages thereby, altho' the Fire was occasioned by some Accident; For it is the Tenant's Fault that gives occasion to this Accident l. 11. y. 1. & ult. ff. locati. He who takes a House to hire, is bound not only for Damage done thereto by himself, but also for what is done by his Sub-Tenant or Servants for whom he ought to be answerable l. 11. y. 1. & 7. ff. locati. But the Expence of repairing and upholding Houses within Burgh, lies upon the Proprietor, and not upon the Tenant, unless it be so stipulated or agreed l. 55. y. 1. ff. locati. Stair Lib. 2. Tit. 15. y. 6.

A Tack may be declared void upon Account of the Tenants not offering to pay the Tack Duty for the Space of two Years in 54. Febr. 1656. ff. locati cond. Craig Feud. Lib. 2. 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