

- No. 2. the sheaves, the quhilk was not *habilis modus* of teinding. It was answered, That the defender cast the sheaves in presence of the pursuer, and he therethrough did intromit with the hail use of the corns in the stacks except the teinds, quhilk was separated frae the stack by the defender. The Lords found, that the casting of stacks was no lawful manner of teinding, and so repelled the exception.

Fol. Dic. v. 2. p. 439. Colvil MS. p. 399.

1610. January 19. HAMILTON against SPENCE.

No. 3.
Method of
teinding.

A spuilzie of teinds cannot be elided upon requisition made conform to the act of Parliament, unless fifteen days be past after the shearing of that hail sort of corn which is sought to be teinded, before the first requisition be made, and that there intervene seven days betwixt the first and second requisition; and after the teind being sighted by neighbours, it be stacked upon the ground, and kept till Halloween.

Fol. Dic. v. 2. p. 439. Haddington MS. v. 2. No. 1747.

No. 4. 1610. July 5. DICKSON against KINCAID.

Teind-fish, and all other small fish, are of their nature reputed vicarage-teinds, and to appertain to the Vicar of the parish, unless some other Prelate either show a particular right of it, or else possession past memory of man.

Fol. Dic. v. 2. p. 439. Haddington MS. v. 2. No. 1942.

1610. January 5. RAMSAY against LORD ROXBURGH

No. 5.
*Decima
debentur
parochia.*

Teind-sheaves are of the law the patrimony of the Parson of the parish, and if the Vicar claim any part thereof, he must either prove it by mortification, or failing thereof, if he suspend and supply it *per decimalem possessionem*, he will not get that to prove by naked witnessess, but must have some adminicle in writ, as tack set by old rental, inhibition, acquittance, decret, or some other writ of that nature.

Some vicarages are founded upon teind-sheaves, as the most part of the patrimony of their benefices, as the Vicars of Barralenden, Cranston, Kirkbane, and the Vicar of Dunlop, who has seven chalder of meal, and the Vicar of Dumfries, who claims a chalder of bear.

Fol. Dic. v. 2. p. 439. Haddington MS. v. 2. No. 2132.