

S E C T. III.

Erection of Kirk lands into Temporal lands.

A. against B.

No 41.

FOUND that pensions disposed out of benefices before the assumption of the thirds, are subject to pay a third feual as the rest of the benefice.

Item, That a stipend assigned to a minister serving at a kirk, furth of the fruits of the said kirk, if thereafter that kirk, the L. L. of Plat might assign the stipend to a minister serving at another kirk, as an unplaced minister's stipend.

Kerse, MS. fol. 34.

1612. December. EARL OF HOME against LORD BUCCLEUGH.

No 42.

IN an action betwixt the Earl of Home and the Lord Buccleugh, it was found, that the entailing of the kirk of Colliston, in the rental, was sufficient to make the kirk of the patrimony of Jedburgh; and thereafter it being *alleged*, That the Abbot of Jedburgh had granted presentation of the vicarage, the LORDS found it no ways relevant, except it were alleged that, conform to the presentation, the parson presented was admitted, or in possession in a matter moved betwixt the Earl of Home and the Lo. Buccleugh, concerning certain lands in Liddisdale, acclaimed to pertain to the abbey of Jedburgh. THE LORDS found, that, after 30 years possession in ecclesiastics, should be a sufficient title, in place of the old custom which required ten years, before the reformation.

Kerse, MS. fol. 40.

1666. February 24. SIR ROBERT SINCLAIR against LAIRD OF WEDDERBURN.

No 43.
In erections
of benefices
into tempora-
lities, the
titular de-
mitted in the
King's hands,
upon which

JOHN STEWART son to the Earl of Bothwell, being abbot and commendator of Coldinghame, the Earl being forefaulted in Parliament, his son was dishabilitate to brook any lands, or goods in Scotland, whereby John fell from the right of provision of the abbacy; thereafter the King annexed the abbacy of Coldinghame, which was excepted from the general annexation 1587, to the Crown, excepting the teinds, and gave right of reversion, both of lands and teinds.