

K I R K.

1623. *June.* Mr PATRICK SHAW *against* The COUNTESS of WINTON.

No 1.

IN the action betwixt Mr Patrick Shaw and the Countess of Winton, the LORDS found, that where there was a quier and a kirk, that the parson, or his tacksman, could not be compelled to entertain, beir, or uphold the kirk, or contribute thereto, but only to uphold the quier; and if there was not a quier, that the parson or tacksman should pay the third of the stent imposed for reparation of the kirk.

Fol. Dic. v. 1. p. 526. Haddington, MS. No 2867.

1628. *November.* The KIRK of Selkirk *against* STUART.

No 2.

IN this pursuit, a stent being set down by the parochine for reparation of the kirk, where the quier is not distinctly known from the body of the kirk, the third part of the sum imposed ought to be paid by the parson or his tacksman, who meddles with the parsonage teinds, seeing commonly the quier is to be reputed the third part of the kirk; but if the quier be distinctly known from the rest of the kirk, it may seem to be reasonable, that if the parson, or his tacksman, will uphold the quier, that they ought to pay no part of the sum imposed, and so it was found in this process.

Found in conformity with Shaw *against* Winton, *supra.*

Act. Lawtie. Alt. Stuart. Clerk, Scot.

Fol. Dic. v. 1. p. 526. Durie, p. 402.

1630. *November 24.*

KIRK SESSION of Lauder *against* the GOOD-MAN of Gollowshiels.

THE Presbytery of Ettilston having considered that the kirk of Lauder needed to be repaired, ordained that the parishioners should convene among them-