

from N. and gave discharges to him of the same, whereby he did approve the feu set before by himself, although not confirmed; so that neither he nor his heir might ever, after that, challenge the same for lack of confirmation. The Lords found that, notwithstanding of the foresaid discharges, the Earl's heir might quarrel the said feu given by his father, for any nullity, as well as a singular successor might do: *eodem die*.

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1629. February 18. JOHN CHEYNE, PARSON of Kinkell, *against* The LAIRD of COULTER.

MR John Cheyne, parson of Kinkell, sought to have a tack, set to the Laird of Coulter by one of his predecessors, reduced, upon this reason, That it was not set with consent of the chapter, at the least the most part of them being alive for the time, on whom he condescended particularly, such and such men, ministers of such and such kirks. Alleged, That the pursuer behoved to prove that these persons were lawfully provided to these kirks, and had *vocem in capitulo et stallum in choro*, and were *in decennali et triennali possessione* thereof. Replied, It was sufficient for him to say that they were ministers of such kirks and in possession of these benefices; likeas he offered him to prove that they were in use to give their consent to the setting of such tacks before. Which the Lords found sufficient; and, in respect thereof, repelled the exception.

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1629. February 19. ANDREW KIRK *against* WILLIAM GILCHRIST.

MR Andrew Kirk, minister at Glendovan, being provided to 500 merks of local stipend out of the teinds of the parish, charged William Gilchrist, possessor of the lands of Easter Whitehill, for 20 pounds, as his proportional part. He suspended upon a negative reason, That he possessed not these lands. Answered, That he offered to prove that he occupied the said room, by pasturing of as many kine and sheep the vicarage whereof would amount to the sum acclaimed. Replied, Any possession he had was by taking of the same room from Sir Patrick Monipenny to grass his goods, for which he paid him a certain grass-mail, and that he had made payment of the said mail to Sir Patrick before the charge. The Lords found the letters orderly proceeded, in respect the minister might take him either to the heritor or to the possessor of the room for payment of the teind-duty.

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1629. February 28. N. COCKBURN *against* W. WHITE.

N. COCKBURN sought adjudication of a tenement and of certain moveable