

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

No 3. selves, and see what was necessary for the doing thereof, which being done by them, they should stent themselves proportionally to the lands possessed by them within the parish. According to this the most part of the parishioners met, and imposed upon every five-pound land within the parish 100 merks for reparation of the kirk, whereupon they raised letters, and charged every heritor for his part. The Good-man of Gallowshiels being one, suspended for his part, because he was not present at the setting down of the stent; and without his consent nobody could impose such a taxation upon him for such a use. Yet the LORDS found the letters orderly proceeded against him, in respect of the last act of Parliament 3d James VI. act 54. Parl. 1572.

Fol. Dic. v. 1. p. 527. Spottiswood, (KIRK-MEN, &c.) p. 191.

1642. February 15. PARISH OF INVERKEITHING *against* LADY ROSYTH.

No 4.
Heritors of the landward part of a parish of a royal burgh obliged to contribute to the purchase of a bell for the church, in the same proportion as for repairing the church.

THE Parishioners of Inverkeithing and stent-masters, having charged the Lady Rosyth to pay her proportion of the stent, imposed upon the parishioners of Inverkeithing, both to burgh and land-ward, for furnishing of bells to the kirk; and she suspending upon this reason, that albeit there be an act of Parliament for beiting and repairing of the kirk and kirk-yard dykes, yet there is no warrant to stent the parishioners for buying of a bell, especially a bell within a burgh-royal, which only is incumbent to be done by the burgesses and indwellers within the burgh, and not by those dwelling in land-ward; their bells being in use at all times, to serve for their own burgesses, and for their own use at prayers morning and evening, and for their other meetings about their town business; and this suspender, nor the heritor did never consent to this stent, but did expressly oppose the same; attour, she *alleged*, That the titular and those who had right to the teinds, should bear the burden of this stent, or the third part of the burden, as in reparation of the kirk. Notwithstanding of all which reasons, the stent roll, and letters raised thereon, were sustained and allowed.

Durie, p. 893.

1685. March 25. WILLIAMSON *against* PARISHIONERS OF KIRKCALDY.

No 5. THE church of a royal burgh having also a country parish, the LORDS found, that the tithes of that country parish were liable for repairing the quire of the church; and found that the heritors of the acres, and country or landward parish, were liable proportionally for reparation of the body of the church, unless they would quit their seats.

Fol. Dic. v. 1. p. 527. Harcarse. Fountainball.

* * This case is No 2. p. 5121, *voce* GLEBE.