

No 23. the kirk; and therefore they found the tack null, and that the present minister had best right to the teinds, and decerned him to be answered thereof.

Act. *Mowat.* Alt. *Craig.* Clerk, *Gibson.*

*Fol. Dic. v. 1. p. 528. Durie, p. 812.*

1637. *March 25.* The COLLEGE of Aberdeen *against* ———.

No 24.

The annexing of teinds to the property of a college, which had belonged to a dean and chapter, found not to alter the nature of the property, but that the consent of the chapter was still requisite to authorise a tack.

THE teinds of the kirk of St Machare, which is the only patrimony belonging to the Dean of the chapter of Aberdeen, was annexed by Parliament to the College of Old Aberdeen, for the better maintenance of the Principal, Regents, and other founded persons within the said College; and by the same act, the Principal is ordained to supply the Dean's place in the chapter. The College, as having right to the fruits and teinds of the said parish of Machare, sets a tack to the Lord Fraser (then Laird of Muchall) of the teinds of his lands within the said parish in *anno 1579*, for many liferents, and many nineteen years thereafter.

This tack was craved to be reduced by the College and their procurator, upon this ground, that their teinds being a part of the deanry, could not have been set without consent of the Bishop and chapter, but so it was, that this tack was only set by the Principal and Regents of the College, and has not consent either of Bishop or chapter. *Alleged*, No necessity of the consent of Bishop or chapter, because this kirk was dismembered from the deanry, and no more a part thereof, but annexed to the College and the members thereof, who might very well dispose of it as of any other part of their patrimony, whereunto they needed no consent but their own. THE LORDS found the reason of reduction relevant, for they thought the annexing of these teinds to the College did not alter the nature of them, but that they remained still in the Dean's patrimony, (the Principal of the said College being ordained to be Dean of the chapter in time coming) and consequently, as pertaining to a member of the chapter, could not be disposed without consent of the Bishop and chapter.

The same had been found twice before in favours of the same College against other parties.

*Fol. Dic. v. 1. p. 527. Spottiswood, p. 136.*

No 25.

Long possession alone found to entitle the minister to the stipend.

1661. *July 4.* MR ROBERT HERRIES *against* LOCKERBY.

MR ROBERT HERRIES minister at Drysdale, having *anno 1641*, set to Lockerby a tack of the teinds, charges him for the tack-duty, who suspends upon this reason, that the town of Glasgow having gotten from the King a right to