

1668. *June 30.* ALEXANDER DUNLOP and OTHERS *against* JAMES HORN, Minister.

MR James Horn, minister at Elgin, being presented to the vicarage of the said parish, did intent action against Mr Alexander Dunlop, and others, for the vicarage teinds of an inclosure, to which his authors had right by a feu granted by a prebend ; together with a croft of land, and house belonging thereto. This pursuit was not sustained ; notwithstanding that it was alleged, that the croft of land had paid parsonage teinds past memory of man ; and that, albeit the prebend, when he did actually serve, was not liable to pay vicarage, yet, they being set in feu to a laick person, who did set the same to tenants, who did sow lint, hemp, and corn, which, of their own nature, do pay teinds,—it ought to be liable.

For the Lords found, That the rights of vicarage teinds were not general, but local, according to custom ; and that inclosures, yards, and orchards, were not liable, unless they could prove, that some time they had been in use to teind that inclosure, or some others of that nature, belonging to prebends of that church.

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1668. *June 30.* TUTOR of LEYS *against* ———.

MR Robert Burnet, tutor of Leys, being infeft in a tenement of land in Aberdeen, comprised from Mr Thomas Blackhall, his seasine was found a valid title, being under the hand of the town-clerk, albeit not registrate in the town's register, nor could be found in the clerk's protocoll.

Which the Lords found he had no necessity to prove ; seasines within burgh being excepted out of the Act of Parliament 1617, and the registration thereof in the town's books not being required ; notwithstanding this allegiance of nullity was proponed by another, whose seasine was recorded in the town's books.

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1668. *July 1.* DAVID KENNEDY, Minister, *against* The BISHOP of ORKNEY.

MR David Kennedy, minister at Birsay and Hara, in Orkney, having charged the bishop's factors for £120, as due to him out of the bishopric yearly, whereof the ministers had been in possession since the year 1637 ; and having produced letters of horning upon an assignation made to him by the books of assumption the letters were suspended, notwithstanding ; because any payment, during the suppression of bishops, was not respected ; they being reponed, by the late Act of Parliament, to their whole benefices, as they were before the year 1637 : and letters of horning, raised before that time, were not found sufficient to prove possession ; specially considering, that, by overtures of agreement *in anno* 1615, betwixt the King and the then bishop, whereby a division was made of Orkney, these kirks were provided to a stipend out of the lands of the earldom of Ork-