

1676. *June 9.* BURNET *against* GIB.

No. 118.

Kail, herbs, and roots, are not teindable, unless ancient custom be alleged.

Stair. Dirleton.

* * * This case is No. 102. p. 15717.

1678. *July 24.* LAIRD OF GRANT.

No. 119.

Calves, lambs, and wool, commonly pay vicarage in all places, and are not properly consuetudinary, and therefore cessation of payment does not create exemption.

Fountainhall MS.

* * * This case is No. 62. p. 10673. *voce* PRESCRIPTION.

1679. *November 27.*

ALEXANDER BURNET, Merchant in Aberdeen, *against* PATRICK GIB.

No. 120.

This defence was found sufficient to assoilzie from the teinds of a croft of land, That, for thirteen years, it was possessed as a glebe by the Minister of Fittie, though he was only a catechist at a chapel of ease for the fishers; and also found, that the carrots and neips herbs were not liable for teind, unless it were the custom of the place to pay teind therefor; and, after probation, it was found they were in use to pay eighteen pence for every hundred beds.

Fountainhall MS.

1681. *January 11.* DRUMMOND *against* DALRYMPLE.

No. 121.

The Lords assoilzied from a declarator craving that the party might be liable for only one of ten, and be free where there were only nine, or fewer, animals, which are indivisible; and found, that though there were but one, they were liable to the tenth of the price.

Fountainhall MS.

* * * This case is No. 40. p. 15645.