

No 13. 1712. *January 29.* STEELE *against* PARISHIONERS of Lochmaben.

As to bygones since the minister's admission, and till his manse be built, found that he had a good claim, for so much as he had paid of house rent, against the heritors.

Fol. Dic. v. 1. p. 567. Forbes. Fountainhall.

* * * This case is No 7. p. 5131, *voce* GLEBE.

1715. *January 22.*

Mr JOHN FERGUSSON Minister at Aberbrothwick *against* The MAGISTRATES and COUNCIL thereof.

No 14.
A minister proving he had been in use to receive a sum as house rent for 13 years, was found entitled to the same in future.

THE said minister ever having been in use since his admission in *anno* 1699, and his predecessors for many years before, to get payment of 80 merks from the town, for his house rent ; upon their withdrawing payment in 1712, intents process against them therefor ; where :

It was *answered* for the defender, That though out of personal kindness they had paid to the pursuer and his predecessor the sum libelled, yet there was nothing could compel them thereto, and his possession was but precarious, and without any title, since by the decret of plat the town is neither burdened with glebe or manse ; and the greatest part of the lands in and about the town being abbot lands, the act of Parliament James VI. Parl. 12. act 118. burdens the abbot lands with glebe and manse, where there was none formerly, before they can come to the towns burgh roods, which is all their concern in the place.

Replied for the pursuer, That thirteen years possession being acknowledged by the defenders, the same is a sufficient title for things of that nature ; it being truly a part of the ministerial stipend.

THE LORDS found, that the pursuer proving his and his predecessors possession, and being in use to receive from the town yearly the sum libelled, as the stipend and rent of a house or manse to him and them as ministers of the town, for more than thirteen years, subjected the town in payment thereof for bygones, and in time coming.

Act. Robert Dundas.

Alt. Horn.

Clerk, Alexander.

Fol. Dic. v. 1. p. 567. Bruce, v. 1. No 39. p. 49.

1729. *December 16.* MONCRIEFF *against* COOPER.

No 15.

IN a question upon the act 21st, Parliament 1663, it was found that vacant stipends might be applied by the heritors to the repairing of the manse, but not to rebuilding of the same, where it was totally ruinous. See APPENDIX.

Fol. Dic. v. 1. p. 566.