

K I R K.

1738. *February 9.*

TOWN and HERITORS of SELKIRK *against* The DUKE of ROXBURGH.

No. 1.

THOUGH by the act of Council 1563, (as the terms of it are, as told us by our lawyers, confirmed by act of Parliament,) the Parson was liable to repair the quire, and if there is no quire, the third part of the kirk; yet in the process betwixt the Town and Heritors of Selkirk and the Duke of Roxburgh, the Duke, though titular of the tithes, there being no chancel or quire, was found liable only for his due proportion of the Kirk according to his valuation.

See NOTES:

K I R K PATRIMONY.

1734. *June 21.*

M'KIESON of Hill *against* M'INTOSH, Minister of Errol, and the Constable of the Castle of Edinburgh.

No. 1.

CHURCHMENS' titles are presumed, where there has been long and ancient possession, if possibly they could have a title; and therefore a duty of 81 bolls of wheat bear and oats being payable to the Priory of Charter-House at Perth, and now to the Minister of Errol and Castle of Edinburgh, the heritor brought a valuation of his teinds, when they were valued at 36 bolls; and then insisting to have the 81 bolls restricted to 36. The Lords found the 81 bolls were payable as well out of the temporality as the spirituality, though there was pretty strong evidence that the land never was kirk-lands, since there might have been a mortification out of them.

See NOTES.