

ment; and therefore declared they would advise it to-morrow.—And accordingly on the 13th March, “ THE LORDS reduced the conversion to tax-ward; and found a Bishop not being *dominus* (who may dispose, except law or paction restrain him,) but only an *æconomus, dispensator, curator, et administrator beneficij*, he cannot dispose farther than law permits him, which it does not, to change simple-ward to tax-ward.” Sir George Lockhart, at delivering the interlocutor, repeated from Lucan, *victrix causa diis placuit, sed victa Catoni*; for he thought they had decided against the principles of the Canon law, and against Craig *de feud.*—This interlocutor reflected on the last Archbishop Sharp, who taxed this ward; but Blebo had warrandice in case of distress, and so resolved to recur upon Scotsraig, his son, for the composition he had paid.

*Fountainhall, v. 1. p. 267. & 273.*

No 39.

1740. November 8. WEDDERBURN against DURIE.

By act of Parl. in 1584, all charters from the church, of whatever date, were declared void, unless brought in and confirmed within a certain time therein limited. This was made a bad use of; for new grants were obtained from the churchmen of lands that had been of old feued out, and confirmation thereof got from the Crown, whereby some old proprietors were stripped of their free-holds, however lawfully purchased, and, for onerous causes, conform to the laws for the time, merely for the neglect of not obtaining such confirmation; wherefore, by statute 186th Parl. 1593, the statute in 1584, was so far repealed, that all the charters granted by churchmen preceding the year 1558, being regular conform to the laws for the time, were declared effectual, leaving such only as were granted since that time to be void, if not confirmed in terms of the said act 1584.

And in this case, an heritor of church-lands anciently astricted to the mill of the abbey of Dumfermline, pretending immunity upon a charter from the commendator of the monastery in 1581, bearing a clause in the Tenendas, *cum mulluris, &c.* notwithstanding the said charter had by prescription become good as to the property, yet, with respect to the immunity from thirlage, as prescription of immunity by 40 years discontinuance of coming to the mill could not be alleged, the charter as to that clause was found null, in respect the said charter 1581 had not been confirmed.

*Fol. Dic. v. 3. p. 372. Kilkerran, (KIRK PATRIMONY.) No 1. p. 324.*

No 40.

Feus granted by churchmen after the year 1558, are void, if not confirmed.