

No. 2. 1748, June 29. KING'S COLLEGE OF ABERDEEN *against* THE
HERITORS OF OLD MACHER.

THE Presbytery having assessed the heritors in above L.990 for repairing the Minister's manse, the heritors suspended for that the manse was the Dean's house, and the Deanry being disposed to the College, who were to supply the charge, neither this manse, nor any house of any dignified Clergyman fell under the act 1663; 2dly, That in 1680 the heritors paid the College L.1000 for this house to the Minister, and after that time repaired it sufficiently, and the Ministers were bound to uphold it during their incumbencies, and the College during the vacancy; that upon Principal Chalmer's death in 1746 it was found worth L.1644, and the 12th November thereafter when the new Minister was placed, it was by the Presbytery found worth L.1640, that is only L.4 worse during the vacancy, which the College paid, and yet immediately thereafter it was found to need L.903 to repair it, and with the Collector's salary making L.998. The Court thought the houses of dignified Clergy did not fall under the act 1663, but now that this is become a stipendiary Minister that his house did fall under it. They were dissatisfied with the Presbytery's manner of taking trial how the house had been upheld by the last incumbent or during the vacancy by taking reports, not what repairs the houses wanted, but what it was worth. But it appearing that the decay of the house was owing to the side walls giving way so as to be out of the plumb, and that occasioned by a crevice in the gable, the risque whereof the heritors took upon them at the last reparation, therefore they found the heritors liable; but that they might either repair the old house or build a new one worth L.1000, and, if they chose the last, ordered them to give in to Court a plan of such new house.

No. 3. 1748, July 13. SIR WILLIAM MAXWELL *against* GAVIN PARK.

LANDS being united *quoad sacra tantum*, the Lords found the heritors not liable to repair the manse.

No. 4. 1750, June 19. THOMSON, Minister of Dunfermline, *against* THE
HERITORS.

THE Lords found, that Thomson being Minister of a Royal Burgh, though he also had a landwart parish, is not entitled by the act 1663 to have a manse designed to him, and sustained the defence. 30th June, Adhered and refused.—N. B. The first interlocutor had been written too general, that he was not entitled to a manse, which we now amended.

MEDITATIO FUGÆ.

No. 1. 1734, Nov. 27. A. *against* B.

THE Lords on a summary bill that a debtor was *in meditatione fugæ* granted summary warrant, (without being seen) to apprehend him till he find caution, &c.