

No 346.

Recompence
not due for
the heritable
bailiary of the
barony of a
monastery.

1748. February 18. MAJOR DALRYMPLE *against* The KING'S ADVOCATE.

ON the claim of Major James Dalrymple of Nunraw, Bailie of the Monastery of Haddington, it being found he was only a Baron Bailie, it was *pleaded*, That bailiaries over church lands were not regulated by the act, and to continue, but abolished, and therefore entitled to a recompence; for that the baronial jurisdiction was only to continue in proprietors over their own lands.

THE LORDS found the claimant not entitled to a recompence.

Fol. Dic. v. 3. p. 364. D. Falconer, v. 1. No 245. p. 330.

1748. February 26. MR JOHN HAMILTON *against* The KING'S ADVOCATE.

No 347.

Recompence
due for a
regality of
temple lands,
erected since
the Reforma-
tion, of which
there had
been posses-
sion sufficient
to save it from
the negative
prescription.

ON the claim of Mr John Hamilton advocate, for the regality of Drem, consisting of part of the Temple Lands, belonging formerly to the Knights of St John, afterwards granted to the Lord Torphichen, and from him conveyed to the Lord Binning, in whose favour they were erected into a regality 1614, confirmed in Parliament 1617; it was *objected*, This erection stood in need of the positive prescription to support it, for the ratification fell under the King's revocation 1633.

The question depended on, Whether the lands were to be considered as church lands or not; for, if they were temporal, the ratification was not affected by the revocation; and it was sufficient, if the possession had been such as to save the jurisdiction from the negative prescription.

THE LORDS found the claimant entitled to a recompence.

Fol. Dic. v. 3. p. 363. D. Falconer, v. 1. No 246. p. 331.

1748. March 1.

URQUHART of Meldrum, and PETER HEPBURN, *against* The KING'S ADVOCATE.

No 348.

Recompence
due for a de-
putation of
sheriffship,
granted over
a person's
own estate.

WILLIAM URQUHART of Meldrum was proprietor of the estate of Cromarty, which had been resigned by George Earl of Cromarty, in favour of Kenneth M'Kenzie, his second son, 'with the heritable and sole deputation of Sheriff, within, and in as far as might be extended to the whole bounds of the lands and estate of the foresaid Mr Kenneth, lying within the shire of Cromarty;' for which jurisdiction he claimed: And it was *objected*, That heritable deputations of sheriffships, over part of a shire, could not be granted.

Peter Hepburn, writer in Edinburgh, having adjudged lands in the said shire, which had been disposed with the like deputation, also entered his claim.