

the procurator who did all ; they received payment only after they came to town.

It went to an Ordinary.

MINISTER'S STIPEND.

1762. November 16. MR GEORGE BLAIR *against* The INHABITANTS of CLAYHOLE.

WHERE a minister's stipend is modified ; though he may lose part of it by the negative prescription, he can acquire nothing beyond it by the positive. It is like a bounding charter. In the case of the Minister of Stranraer against the Inhabitants of Clayhole, it was contended for the Inhabitants, that, although the ministers of Stranraer had been in the uniform practice of exacting a tithe out of all the herrings taken by the inhabitants of Clayhole, and landed there, yet that such a practice would not be sufficient to subject the inhabitants to the same, contrary to their wills, in time coming ; because this would be constituting a right by prescription, contrary to the decret of modification, by which the minister stands limited to the vicarage tithes of *the Town of Stranraer* ; which could not be extended to the tithes of Clayhole, which lay in a different parish. But it was ANSWERED,—That, by the charter of erection, the port of Stranraer was erected with the burrow, and comprehended all Lochryan, and therefore comprehended Clayhole ; and, of consequence, all herrings landed at Clayhole were liable in teind. And there were many instances in Scotland where part of the tithes of one parish were payable to the minister of another. “ The Lords, 16th November 1762, found, that the Minister of Stranraer had right to uplift the tithe of herring landed within the port of Stranraer and village of Clayhole.” They refused a petition without answers, and adhered.

MINOR. See TUTOR and CURATORS.
