

No. 27. mentation was pronounced by the Court. Nothing remained but to have that augmentation duly localled upon the heritors.

The parties above named offered two opposite schemes of locality; and Mr. Bower, &c. in support of their scheme, founded upon a decree given by the Court, in a similar case, in the year 1718, Maxwell of Tinwall against the Officers of State, Charteris of Amisfield, &c. (not reported) as a determined point in their favour. See APPENDIX.

The Court having had an extract from the teind-record of the case of Tinwall laid before them, resolved to follow that precedent, and adopted the precise words of the judgment there given; and, accordingly,

“ Found, that the parishes of Inverarity and Methie being under different patronages, the stipend modified is to be divided equally betwixt the parishes, effeiring to their rentals proven; and that each patron has only right to allocate his proportion thereof within his own right.”

Act. *D. Rac.*            Alt. *Nairne.*            Teind Clerk.

*Fol. Dic. v. 4. p. 30. Fac. Coll. No. 125. p. 337.*

No. 28.

1779. *August 4.*    MILLIGAN *against* The HERITORS OF KIRKDEN.

Mr. Milligan having brought an action of augmentation against the Heritors of Kirkden, the Lords, in their character of commissioners of teinds, in respect of the rule of Court, that no new augmentation should be granted in parishes where one had been obtained since the Union, pronounced a judgment assoilzieing the defenders.

Alt. *Robertson.*            Act. *Ilay Campbell.*

*C.*                            *Fol. Dic. v. 4. p. 300. Fac. Coll. No. 84. p. 141.*

\* \* This case deserves notice, only on account of the circumstances attending it in the House of Lords. It having been carried there by appeal, the heritors contended, that the Lords in the Court of Session, acting in questions of this sort by special authority from the Legislature, and as a committee of Parliament, their decisions were not subject to review. The following procedure took place in the House of Lords.—*May 19, 1783.* Counsel were called in to be heard in this cause; and the counsel were directed to make out, Whether this House hath any appellat jurisdiction from a judgment of the Lords of Session acting as commissioners of teinds? And the counsel desiring time to prepare themselves for the above purpose,

“ ORDERED, That the hearing of this cause be put off till next session, with liberty to bring new cases, if they shall be so advised.”

The judgment of the Court of Session was afterwards reversed, (8th July, 1784), and the cause remitted.