

pious uses; July 21st 1713, Heritors of Abdie *contra* Corsan, No 2. p. 2490.; June 10th 1742, Heritors of Strathmiglo *contra* Gillespie, No 3. p. 2491.

No 4.

*Observed* on the Bench; Were a minister to dispense the sacrament as often as once every month; no additional claim would accrue to him for communion element money. On the other hand, though he should not celebrate that ordinance so frequently as once a-year, no deduction on that account from his stated allowance could be required of him.

The Court, however, seemed to view this matter in a different light from that of a refusal to pay communion element money to a minister, who had failed to employ it for that sacred purpose; in which case it appeared that the minister would not have been found entitled to demand it.

' THE LORDS assoilzied the defender.'

Act. *D. Grame.*Alt. *Robertson.*Clerk, *Campbell.*

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*Fac. Col. No 116. p. 215.*

1793. - February 13.

DAVID WILKIE, *against* The HERITORS of the Parish of Cult.

In a process of augmentation brought by Mr Wilkie, minister of the parish of Cult, the Court awarded to him, by way of stipend, ' the whole teinds, parsonage and vicarage, including therein L. 40 Scots for furnishing the communion elements.'

No 5.  
The Court cannot award an allowance for communion elements out of the stock.

The pursuer presented a petition, praying that the sum allowed for communion-elements should be increased. The petition was refused, without answers.

A second petition was offered for the same purpose, in which two cases were stated where the Court, after the teinds were exhausted, had burdened the heritors with a sum for communion elements, payable out of the stock. In answer to this petition, the heritors

*Pleaded*, The teinds alone are burdened with the expense attending the administration of the sacrament; and indeed the commission of teinds has no authority to pronounce any decree which cannot be made effectual from them; 1572, c. 52.; 1592, c. 123. 166.; 1606, c. 2.; 1617, c. 3.; 1621, c. 5.; 1633, c. 8. 19.; 1661, c. 61.; 1663, c. 28.; 1672, c. 15.; 1686, c. 22.; 1690, c. 30.; 1693, c. 23.; 1707, c. 9.; Stair, b. 4. tit. 1. § 58.; Bankt. b. 2. tit. 8. § 165, 166.; Erskine, b. 1. tit. 5. § 23.; 25th November 1778, Heritors of Glenbucket; \* 17th June 1772, Robertson *against* Lady Frances Erskine, *voce* TEINDS.

*Observed* on the Bench; This Court has no jurisdiction over the stock.

The petition was unanimously refused.

Act. *Wm Robertson.*Alt. *R. Craigie.**Fac. Col. No 28. p. 57.*

See STIPEND.—See TEINDS.—See APPENDIX.

\* Not reported.