

‘ the dependence of the present process of locality, and in so far altered the
‘ interlocutor complained of.’ No. 9.

Lord Ordinary, *Ankerville.*
Alt. *W. Robertson.*

For the Earl of Mansfield, *H. Erskine.*

R. D.

Fac. Coll. No. 178. p. 403.

1800. *December 3.*

The SOLICITOR of TITHES, *against* JOHN HEPBURN BELSCHES, and Other
HERITORS of the Parish of DUNNING.

THE Minister of the parish of Dunning obtained a decree of locality, by which a portion of his stipend was laid on the lands of Easter and Wester Rossies.

The officers of state not having been parties to the locality, the Solicitor of Tithes, in 1792, brought a reduction of it, on the ground that the tithes of Easter and Wester Rossies were now in the hands of the Crown, as in right of the Arch-dean of the See of Dumblane, and that, being formerly the tithes of an Arch-dean, like Bishops' tithes, they enjoy the privilege of not being called upon till all the other tithes in the parish are exhausted.

The heritors, on the other hand, contended, That tithes belonging to the Arch-dean and other members of the Chapter, were not vested in the Crown, but belong to the patron of the parish, and enjoy none of the privileges of Bishops' tithes.

The arguments of the parties were nearly the same with those detailed in the case 23d May 1797, The Solicitor of Tithes against the Earl of Moray, No. 89. p. 15704.

The Lord Ordinary ‘ reduced the locality of the stipend of Dunning in the year 1773, and found, That no augmentation of stipend can be allocated upon the lands of Rossies Easter and Wester, until the whole other teinds of the parish are exhausted.’

But, upon advising a petition for the heritors, with answers, the case of the Earl of Moray was held to be decisive of the present; and the Court accordingly altered the Lord Ordinary's interlocutor and sustained the defences.

Lord Ordinary, *Ankerville.*

Act. *Solicitor of Tithes Balfour.*

Alt. *Rolland.*

R. D.

Fac. Coll. No. 205. p. 473.

1801. *May 20.* JAMES PETERKIN, *against* The EARL of MORAY.

THE estate of Grange, belonging to James Peterkin, and lying in the parishes of Forres and Kinloss, possessed a servitude over certain mosses in the parishes

No. 10.

Tithes formerly belonging to an Arch-Dean do not possess the privileges of Bishops' tithes.

No. 11.

In a valuation of teinds, the proprietor