

Stair ibid. §. 30. But a Minister was not bound up by a Decree of Locality, never owned by himself or his Predecessors from seeking a Charge or Stipend out of the Tithe of his Parish conform to 13 Years peaceable Possession November 1676 Simple contra his Parishioners. A Charge upon a Decree of Locality for three Chalders of Victual was sustained, altho no Victual was payed in the Parish *Aickman*
 Minister of Dalmeelington contra Lunningham of Milnerang. And a Stipend being localled upon a Gachsmann of Fithes a singular Successor to the Right of these Tithes, was found liable in Payment. inter eodem.
 The Debtor in Bolls contained in a Ministers Decree of Locality, is liable for the Bries he got if he pay not the ipsa corpora, and an offer of the Fians will not be taken of his Hand; albeit the Minister and his Predecessors had not been in Use of uplifting the Bolls in ipsa corpora
 his 21 Feb. 1699 *Houison* Minister of Inverack contra Sir W. Sharp. It being highly unreasonable to oblige a Minister to accept the Fians, who by his Tithes himself at Market-Rates. But a Minister having accepted a Precept for his Stipend Bolls from the Titular of the Tithes, upon an Heritor of the Parish, who entered in Payment after the ordinary Time of delivering the Stipend, but did not satisfy the whole; and the Titular having upon a Charge made offer of the remaining Bolls under Form of Instrument which the Minister refused: he the Titular was found liable only according to the Fians 7 Feb. 1705 *Liver* contra *Halyburton* of Newmains. The Bolls in a Ministers Decree of Locality or Modification, should be paid conform to Linlithgow Measure, if no Measure be therein specified: unless the Minister hath been 13 Years in possession of uplifting according to another Measure, or the modified Stipend would fall short of the Quantity of Stipend regulated in the Act of Parliament by Linlithgow Measure; in which case the Minister ought to be paid conform to the Measure of the Shire within which the Parish lies 27 June 1667 Minister of Dalrymple contra E. Laible. An Heritor upon whose Lands a Stipend is localled is not liable personally to the Minister June 1708 *Campbell* Minister of Kirkcubear contra Doctor Murray. Ministers are sometimes obliged to purifie not only for Payment of their modified or local Stipends, but also for the Sum modified for the Communion Elements; to pay which the Heritors are liable, tho the Communion be not administered Act 54. Par. 3. J. 6. The year by Modification for the Communion Elements cannot, when the Sacrament is not administered, be diverted to the Benefit of the Minister; but ought to be applied to the Poor's Use 21 July 1713 Heritors of *Abdie* contra *Colson* *McKenzie* observ. on d. act. 54.

Simple Stipendiary Ministers are of ~~three~~ several kinds; 1. Those who have no other Title for their Stipends, but simply Use of Payments for which

which Case Process was sustained before the Session to a Minister, for Stipend Bygone and in Time coming according to former Use of Payment to his Predecessors in Office; untill there be a constant Stipend modified to us by the Commission for Valuation of Tithes &c. 19 Feb. & 10 June 1714 *McKenzie* contra *McKenzie* and others. In Respect that Process in possession did not hinder a Modification in its due Course; And it was not found competent to object in that possessory Action, that the Pursuer was not legally admitted by a Presentation from the Patron, his Ordination and Act of Admission according to the usual Forms of the Church being produced 19 Feb. 10 June 1714 inter eodem 2. Some Ministers in Country Parishes have Stipends modified to them, by voluntary Contracts entered into by them with the Heritors and those having Right to the Tithes of the respective Parishes. 3. Another Sort of Stipendiary are Ministers within Burgh, who having no Landward Parish, or being only second Ministers where the first have the Tithes, are maintained upon Gifts and Modifications; or a voluntary Contribution of the Inhabitants; or Annuities laid upon them by Order of Parliament, according to the proportion of House Rent they pay, where the imposing an Annuity upon the House is, as in the Town of Edinburgh, authorized by Act of Parliament. Amongst Inhabitants within Burgh who are not Burghesses, but have Advantage by the Ministry, may be stented for Stipend. But all Members of the College of Justice are privileged Act 276. Par. 15. J. 6. 23 Feb. 1687 Members of the College of Justice contra Town of Edinburgh recorded among the Acts of Parliament *McKenzie* observ. on Act 276. a Burgh hath no Power to stent their Heritors for any Part of a second Ministers Stipend, not due by Law, Consent of Parity or Prescription 22 July 1668 1 Feb. 1669 *Boffwal* contra *John Kirkaldy*. The Privileges of decennalis et biennalis possessionis was not found competent to the Ministers of Edinburgh, upon 13 Years Payment of an Annuity offering to 6 of the 100 of the Rents of the Houses; albeit the said Annuity was destined by Act of Parliament as a Fund of their Stipend; in Regard they neither had Right thereto jure communi, but only ex provisione hominis; nor was it paid to themselves, but to the Town for their Behoof; and it might have been applyed to another Use; seeing the Ministers Provision was not restricted to the Annuity, but the Town was liable to them for such a Sum year by year, which, tho no Annuity were recovered off the Inhabitants, behooved to be made up out of the common Good 23 Feb. 1687 Members of the College of Justice contra Town of Edinburgh.
 An Heritor who obliged himself to pay the Ministers whole Stipend, and to relieve another thereof, was found liable only for the proportion of Stipend payable to the Minister at the Time of the Obligation and not for posterity or Augmentations January 1688 *McKenzie* contra *V. Colford*.

Ministers