

Whomsoever provided, i Feb. 1671 Lady Parvishairgh  
 Church be Vicar, the Rector might take the Moderator of the  
 Vestry, and Agent of the Church. Where such as are called in  
 a Valuation only pro interesse proprio, non obstante processu, the Action  
 need not be transferred against their heirs 29 January  
 1673 Cookburn of Ryslaw contra E. Humes. A Valuation rais-  
 ed by the heritor apparent here before he was In feofft, was  
 sustained upon production of his Infeoffment, Eodem die In  
 tot. E. Humes

All tithes may be Valued Act 30 Sept. 2 Parl. W. & M.  
 Except Tithes In the life given with the stock, and Confir-  
 med before the Year 1587, 23 January 1631 such being  
 looked upon in our law as no tithes, and not assessable by  
 Ministers. Nothing can be Valued but for tithes over and above  
 what is allocated for Maintenance of Ministers and other pious  
 uses; And the heritor is liable to the tithular or lairds in our  
 Only for the Valued duty of that Supp. Act. Act 1787 19 Parl. 1633  
 Tithes are Valued at a fifth part of the Constant Rent  
 when set with the flock for a joint duty, Act 17 Parl. 1 Ch. 1  
 Which is the same with a fourth part of the Rent of the  
 flock. When distinct duties are paid for Stock and tithes they  
 are Valued a fifth part down of the true worth and Avail ac-  
 cording to the Kings case. d. Act 17. Where a proof of the Rent  
 of the flock was led, and a distinct proof of the yearly value  
 of the Vicarage tithes, the parsonage tithes were not found  
 to be a fourth part of the Entire rent of the flock, but the  
 fourth only of what Remained after Deduction of a stock Corres-  
 ponding to the Vicarage tithes. But then the Vicarage the  
 separately proved, was Valued according to the full rent  
 without any allowance for the Kings case; in respect of  
 the fore said Deduction 4 March 1702, Ordre of Milntown contra  
 the officers of State, Ministers of Elynie and others

There must be separate Valuations of parsonage and  
 Vicarage belonging to distinct Titulars. Act 1787 19 Parl. 1  
 Ch. 1 Act 28 Sept. 1 Act 22 Sept. 2 Parl. 5. 4 Act 30 Sept. 2  
 Parl. W. & M. That the Vicar be not frustrated of the  
 true worth of his tithes. The Old Colledge of St. Andrews  
 being Titulars of the Parsonage tithes and Patrons  
 of the parish of Kilmarnock, and the Minister of Kilmarnock  
 having

having right as Vicar to the Vicarage, and raised a process of In-  
 definitiō and Locality against the Old Colledge and the Heri-  
 tors of his Paroch, James Crawford of Montgumherry and Alexander  
 or Hisor writer to the signet, &c therein Request a Judgment of  
 Valuation of their parsonage tithes against the Colledge, and  
 of their Vicarage tithes against the Minister, wherein the  
 Lords (14 November 1711) found the parsonage tithes ought to  
 be separately Valued from the Vicarage; albeit by the Act of  
 Parliament 1690 giving tithes not here lastly Disposed to the  
 tithes, the Colledge were in Effect become Titulars of both  
 parsonage and Vicarage, with the Burden of a Modified Tithe  
 paid to the Minister. In respect the Parsonage and the  
 Vicarage were originally distinct Bonds, and such by Act  
 17 Parl. 1633 are to be severally Valued. The Vicarage tithes,  
 which are local and Variable must be Rated according to  
 the value of the land; and the parsonage according to the former  
 and present value of the land, and the several Grains. A Calcule  
 made of the price for seven Years preceding, and the fourth  
 part of the total of the Rents for these Years is taken as a  
 Medium for the true rent Communicated Annis; of which a  
 fifth part is Established as the Value of the tithes. But then  
 some Variation is given upon the account of Cottages, and  
 other Industrial or costly Improvements of the ground by  
 Liming, dunging, or other ways 28 December 1698 Adminis-  
 trators of Heriots Hospital contra officers of State. The  
 Fifth of Salmon may be Valued, and the true worth Com-  
 munitis Annis of the Green fish when taken out of the  
 water, and not what they might be sold for when preserved  
 barreled Deducting the Charge of Salt Cash and parings,  
 should be the Rule of Valuing 15 December 1708 Gor-  
 don and other heritors of Don-fishing contra Officers of Heriots  
 because the price of Green fish is ever much the same as  
 the value of a Barrel of Cured Salmon varied according to  
 the price of salt, and the Customs to which it is liable,  
 according to the Constitution of foreign Markets. Nor can  
 it be known without proving the Expence of Salt and  
 tare and of curing and packing, and how many Salmon  
 go to the Barrel, and how many Barrels there may be of  
 tithes, which Inconvenience are obviated by Valuing the  
 Green