No. 6. 1629. *February* 17. KIRK *against* GILCHRIST.

A Minister having charged the possessors of the lands, the teinds whereof, great and small, were ordained, by the Plantation 1618, to be liable to the Minister, for such proportion of his stipend as was laid on and divided amongst the said lands; and a possessor of some of the lands charged suspending, That he had only taken the grass of the lands from the heritor of the lands, for the summer-pasturage of goods, for a certain silver-duty to be paid therefore to the heritor, and which duty he had paid to him before the charge given to him by the Minister; the Lords found, That albeit the suspender had only taken the grass of the room for pasturing his goods, for a duty to be paid to the master and heritor, and albeit the heritor had right also to the teinds of the land, both great and small, and that he had paid that duty also before the charge to the said heritor, both for stock and teind, yet that the minister might seek payment of that proportion laid on upon the teinds of that land from the suspender, seeing the teinds and intromitters therewith were, by the decreet, subject to the minister, the minister proving that the suspender possessed the land the year controverted, and the small teinds of the goods which he pastured thereon, and which he intromitted with, viz. sheep, extending, that year, to as much as the sum wherewith he was charged, and that in respect he had his relief against the heritor to whom he paid the duty for stock and teinds, the payment to whom relieved him not from the minister's charge.

Act. *Gibson.*

Fol. Dic. v. 2. *p.* 394. *Durie, p.* 428.

1633. *March* 21. KEITH *against* GRAY and CARMICHAEL.

No. 7.
Found in conformity with Morton against Scot, No. 4. p. 14784.

Mr. Alexander Keith, minister at Strabrock, who being parson thereof, and having set a tack of the teind-sheaves of the said parish to Mr. William Oliphant, for a certain tack-duty, and the said Mr. William having wadset some of his lands, with the teinds thereof, to Mr. James Gray and Thomas Carmichael, who having set back-tacks to the said Mr. William, for payment of 10 for ilk 100 of the sum, for which they received the wadset, both for the stock and teind, the Minister having charged these wadsetters for payment of the tack-duty of Mr. William Olipant's tack, set to him by the Minister, as they who were addebted therein to him, being a part of his stipend, seeing, by this wadset and back-tack set of the teinds, with the stock, they must be reputed intromitters with the teinds, and they should be subject to the Minister's stipend whoever meddles with the teinds; they suspending these charges, the Lords found, (albeit the reason of suspension bore the contrary to this decision), That the minister had good right to seek the tack-duty, the same being a part of his stipend, from whatsoever