

## S E C T. II.

## Parsonage Teind.

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 NAIRNE *against* DRUMMOND.

No. 98.

Found that templars, hospitallers, and monks, ought to pay no teind for the lands they laboured or plenished themselves with their proper goods. (See APPENDIX.)

*Fol. Dic. v. 2. p. 438. Colvil MS.*

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 1614. - *February 3.* LORD WIGTON *against* LADY CARWOOD.

No. 99.

In an action of spuilzie of teinds pursued by the Lord Wigton against the Lady Carwood, as executor of James Fleming of Carwood her spouse, the Lords sustained an exception proponed for the lands of Westra, being temple lands, which were never in use of payment of teinds, but free thereof by the space of fifty years before, which the pursuer was forced to reply upon use of payment of eleven bolls of malt for the teinds of these lands by the space of 20 years before.

*Kerse MS. p. 98.*

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1664. *July 1.*CRAWFURD *against* The LAIRD of PRESTONGRANGE.

No. 100.

The Lords found that the old privilege of the Cistercian order of being exempted from paying teinds, was not altogether so personal to the monks, but that it ought to be extended to the Lords of erection of their lands.

The Earl of Traquair being tacksman of the teinds of the parish of Innerlethem, and having assigned the valued duty of the vicarage of the lands of Lethenhops to Thomas Crawford, merchant, he pursues the Laird of Prestongrange, heritor, for payment of the valued duty. It was alleged, That the lands of Lethenhops were of old a part of the abbacy of Newbattle, erected in a temporality in favours of Mark, thereafter Earl of Lothian, from whom Prestongrange has right by progress to the said lands, and to the teinds to be possessed by him as of old; likeas, there is a protestation for him in the decret of valuation, that it should not be prejudicial to his right, whensoever the lands should be plenished with his own goods, not set to tenants, at which time no teind is payable therefore, which, by the Canon law, was a privilege granted to the monks of the Cistercian order, whereof Newbattle was an abbacy; likeas, the abbots continually enjoyed that privilege, and since then, the Lords of erection, and the defender and