

continued till their marriage, or the payment of their tocher, they being minors, and lesed, by not pursuing therefore at the age of fifteen; but that they could not have annualrent, seeing the contract bore none.

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1664. *December 17.* MR THOMAS PATERSON *against* WATSON.

MR Thomas Paterson charges Watson to remove from his glebe; who alleged the designation is null, because it is not subscribed by the ministers, designers, but is only the assertion of a notary. *2dly.* By the Act of Parliament 1663, anent glebes, there is an exception of royal burghs, to which ministers' glebes are not due; *ita est* Dysert is a royal burgh. The charger answered to the first, That the having a warrant from the bishop and presbytery, his instrument of designation is as sufficient as a seisine to give right to land. And to the second, The royal burghs excepted must only be understood of such who have not a landward congregation, but are chiefly constituted of an incorporation for trade; but this burgh is notourly known to be but a burgh of barony, holden of the Lord Sinclair; albeit it has the privilege of a vote in Parliament, and is a parsonage. The Lords sustained the designation; but, before extract, ordained the testificat of the ministers, designers, under their hands, to be produced.

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1664. *December 22.* CORNELIUS INGLIS *against* MR RODGER HOG.

MR Cornelius Inglis, being infest upon an apprising, pursues a removing; compearance is made for Mr Rodger Hog, who alleged, That he is also infest, and had charged the superior, though after the first appriser, and had possessed seven years, by lifting the mails and duties; and therefore craved the benefit of a possessory judgment. The Lords, having considered the case amongst themselves, whether an apprising and charge, without infestment, could give the benefit of a possessory judgment, they were equally divided in their votes; and the President resolved, before he gave his vote, to settle the parties.

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1665. *February 15.* THE BISHOP of DUMBLAIN *against* EARL of CASSILS.

THE Bishop of Dumblain pursues the Earl's tenants for the teinds of the abbacy of Corsregual, as a part of his patrimony annexed thereto by the Act of Parliament 1617. The defender alleged no process till the Act of Annexation, being but an Act unprinted, were produced. *2dly.* Absolvitor; because the defender had tacks from the king *in anno* 1641; and, by virtue thereof, was in possession, and could pay no more than the duties therein contained, till they were reduced. It was answered to the first, It was notour; and, if the defender