

No 5. lands and teinds; likeas this same Graham was also author of the pursuer's right to the same teinds, and so was common author to them both.

Act. *Stuart & Gibson.*

Alt. *Hope & Mowat.*

Clerk, *Gibson.*

Fol. Dic. v. I. p. 112. Durie, p. 320.

No 6.

Found that tenants might pay to their master, who had, for a certain rent, let the land, with the teinds, to them; even after citation, at the instance of the titular; for they could not know what part of the rent to retain for teind.

1628. *March 21.* MURRAY *against* INTROMITTERS with Teinds.

IN an action by Mr Patrick Murray, as Abbot of Inch Jaffray, against the Intromitters with the teind-sheaves of the lands within that Abbacy, for payment of the old accustomed duty used to be paid for their teinds; the LORDS found an exception relevant, bearing payment to be made by them to their master, who set the land with the teind to them, for a certain duty, for stock and teind undistinguished, according as they were in use to pay to him diverse other years before the years libelled; which payment, albeit the same was made by them after they were cited in this cause, and whereby the pursuer alleged, that they were in *mala fide* to do any deed in his prejudice thereafter, the LORDS nevertheless sustained it, seeing they could not know what part of their duty they should keep unpaid from their master for the teind, different from the stock, for both which they were astricted in a duty undistinguished. Also the LORDS found, That a prelate having right to teind-sheaves, if he live while the whole corns be shorn, albeit he die both before the leading of them off the ground, and also before the term of Martinmas thereafter, yet that the whole teind-sheaves will pertain to him and his executors, and that the same will not divide, as in farms and other duties, where the person having right to the same, dying before Martinmas, will only leave right to his executors to the half of that year's duties, which the LORDS find not to hold alike in teind-sheaves, where the party having right, may in law intromit with, and lead the teind-sheaves immediately after the corns are shorn, even that same day wherein they are shorn, for his right thereof will carry him to the same; so not the terms of Whitsunday or Martinmas, nor the time of leading off the ground, but the time when the person having right, hath in law right to lead, is here considered. *See TERM, LEGAL and CONVENTIONAL. See TEINDS.*

Act. *Hope & Nicolson.*

Alt. *Aiton & Stuart.*

Clerk, *Hay.*

Fol. Dic. v. I. p. 112. Durie, p. 366.

1628. *March 27.* LO. BLANTYRE *against* PARISHIONERS of BOTHWELL.

IN the spuilzie pursued by the Lord Blantyre, mentioned 25th March 1628,* the Lords found a disposition made by him, who was author to the Lord Blantyre in his right of the teinds libelled, and granted for onerous causes to his creditor, before the right made to the pursuer; which disposition bears: 'That

* *Durie, p. 369. voce IMPLIED DISCHARGE and RENUNCIATION.*

No 7.

After an inhibition of teinds, the tenants continuing to pay to the person in possession,