

\* \* \* Haddington reports this case :

No 195.

THE Earl of Wigton pursued reduction of the Archbishop of Glasgow's pretended right to the patronage of the kirks of Drummelzier, &c. and Mr Alexander Schieyne, minister, his provision, proceeding upon the Archbishop's presentations. The Archbishop compeared not. Mr A. Schieyne compearing, *alleged*, That he could not produce his provision, because he was *triennalis et decinnalis possessor beneficii, et ita non tenebatur docere de titulo*. It was *replied*, That being provided by the right patron, he needed not to show his title ; but the patron's right being taken away, by the certification of the summons, the minister behoved to produce to the right patron ; in respect of the whilk reply, the LORDS repelled the exception.

*Haddington, MS. No 2660.*

1664. December 21. MR JAMES CRAIG *against* HILLHEAD.

No 196.

MR JAMES CRAIG, minister at Hoddam, having pursued a removing against the Laird of Hillhead, and the relict of Mr John Alexander, last incumbent, from the house where the said Mr John dwelt by the space of 30 or 40 years, during his service at the said kirk ; it was *alleged* for the defenders, That the house being built upon Hillhead's ten merk land of Luss, and built by the former minister by Hillhead's toleration, and that there was never any such designation of a minister at such a distance from the church. THE LORDS, notwithstanding found, That Mr John Alexander, the last incumbent, his possession, was the present intrant, his possession, and that it was enough to term him therein, in regard he, or his authors, were *decennalis et triennalis* possessors.

*Fol. Dic. v. 2. p. 114. Newbyth, MS. p. 13.*

1671. June 23. DUKE OF MONMOUTH *against* PARISHIONERS OF HALSENDEN.

No 197.

THIRTEEN years possession by a minister, of lands wherein an heritor stands infest, and was in possession before the minister's entry, who could allege neither mortification nor that it was kirk-land, nor could show a legal title, was interpreted a tolerance only, so as not so take away the heritor's right by prescription.

*Fol. Dic. v. 2. p. 114. Gosford. Stair.*

\* \* \* See the particulars of this case under the names, Duke of Buccleuch against Parishioners of Halsenden, *voce* PROOF.