

1734. February 27.

KING'S COLLEGE OF ABERDEEN *against* HERITORS of the Parish of New Machar.

No 16.

THE thatch roof of a manse having, during a vacancy, suffered considerably by winds, the heritors agreed to give it a slate roof. The heritors craving retention of a year's vacant stipend to defray the expense of this reparation, upon the act 21st, Parl. 1663; it was found that they could not crave retention in so far as the manse was meliorated, but only for needful repairs of deteriorations happening during the vacancy; and because the limits betwixt these two were difficult to be made out by a proof, the LORDS decreed for a third part of the years vacant stipend. See APPENDIX.

*Fol. Dic. v. 1. p. 566.*

1740. February 26.

PATRICK WOODROW Minister at Tarbolton *against* CUNNINGHAM of Enterkin.

No 17.

IN a question betwixt these parties, the LORDS found, That the vacant stipends were not subject, in the case of rebuilding the manse, to be applied for that purpose.

*Fol. Dic. v. 3. p. 399. C. Home, No 149. p. 254.*

1748. July 13.

GAVIN PARK *against* SIR WILLIAM MAXWELL.

No 18.

SIR William Maxwell of Calderwood's lands of Meikle and Little Drips were disjoined from the parish of Cathcart, and united to the Parish of Carmunnock, *quoad sacra tantum*; which limitation in the annexation, Sir William *pleaded* to exempt him from contributing towards building a manse for the minister of Carmunnock; and the LORD ORDINARY, before whom a suspension came of a charge against him for that purpose, at the instance of Gavin Park, appointed factor for collecting the money assessed upon the heritors, 'found, 23d July 1747, the letters orderly proceeded.'

Lands united to a parish *quoad sacra tantum*, are not bound to repair the manse.

*Pleaded* in a reclaiming bill, That the reservation in the decret of annexation behoved to import something, and it could mean nothing else, except that the charge of the people was alone transferred; but to all civil effects the lands remained in the former parish, and they could not be liable to burdens in both parishes.

*Answered*, The inhabitants of these lands are bound to attend the church of Carmunnock; they are entitled to places there, and therefore are obliged to support it; and it would seem there is as good reason for their supporting the manse; the heritors would be entitled to a vote in calling a minister, if the act