

No 13.

upon the borough. And so the Lord Ordinary's last interlocutor imports, agreeably to the decision in the case of Kinghorn, and to the known rule in such cases.

“ THE LORDS find, That the Lowland church of Campbletown, being a parochial church, ought to be repaired and rebuilt at the expense of the heritors and borough; and, as the defenders are not heritors, find they are not entitled to any part of the area, except such share of that part falling to the borough as may effeer to them, in proportion with the other inhabitants.

Act. *Ilay Campbell.*Alt. *Cha. Hay.*Clerk, *Tait.**Fac. Col. No 154. p. 19.*1776. *December 17.*EARL of MARCHMONT and Others *against* EARL of HOME and Others.

No 14.

THE church of Eccles being rebuilt, the Sheriff, in a process of division of the area, found that a former division was an improper one, being against the consent of some of the principal heritors, and that the same was not binding; and found that each heritor's share must be set apart by itself, and that the heritors have choice of place, according to the valuation of their several estates, and appointed a sworn surveyor and measurer to proportion the said area accordingly. THE LORDS, in an advocacion, sustained that judgment, with this variation, That each heritor, in proportion to his valued rent, must have a seat in the church for himself and family, distinct from the share of the area, to be allotted to his tenants; but that, in dividing the whole area of the church, the area of each heritor's seat must be taken *in computo* in making up his share corresponding to his valued rent.—See APPENDIX.

*Fol. Dic. v. 3. p. 370.*1781. *November 20.*The FEUERS and HEADS of FAMILIES in the TOWN of CRIEFF, *against* The HERITORS of the PARISH of CRIEFF.

No 15.

A church having become ruinous, the question occurred, at whose expense must it be rebuilt. Two thirds of the parishioners resided in a burgh, the remainder in

THE parish church of Crieff being insufficient for accommodating the whole parish, and having likewise become ruinous, the question occurred, by whom, and in what proportions, the expense of building a new one was to be defrayed.

The old church was capable of containing 500 persons; and no discovery could be made, by whom it had been either originally erected, or afterwards repaired. The Presbytery of Auchterarder, within whose bounds it is situated, reported, that the new church ought to be sufficient to contain 1200 hearers, and that the examinable persons in the parish amounted to 1980. Of these,