

No. 80. pay the same to Lady Frances the titular, or to the Minister; and, upon the supposition that the defenders should purchase their tithes from the titular, they would in so far become successors to Lady Frances in the right of titularity, and, consequently, behoved to be liable for their proportion of the communion-elements, by the express terms of the judgment of the Court.

The pursuers, indeed, have no interest to make any objection to that part of the defender's plea, viz. that, if the Court should be of opinion that the communion-elements are a burden upon the tithes, and that Lady Frances is entitled to allocate those of the defender's lands for that purpose, they ought to have a proportional relief out of the locality of the stipend, so as that they may be upon a level with the other heritors. It is certainly her interest, that the burden should be taken off the defenders' and the other heritors of Corntoun, and laid upon the other heritors of the parish.

The Court refused the desire of the petition, and adhered to the former interlocutor."

For Titular, *R. M. Queen.*

Akt. Rolland

Fac. Coll. No. 15. p. 37.

1777. July 9.

CAMPBELL *against* EARL of MORAY.

No. 81.

The heritors of Balquhidder, in an augmentation, contended that the same should be laid on the Earl of Moray's teinds of Inverlocharig, as he had produced nothing but a personal right to them, no mention whatever being made of the teinds in his disposition to the lands from the family of Athole. Answered, As the estate of Glengarroch, of which Inverlocharig made a part, was feued out in the year 1719, by the family of Athole, in five different parcels, and a right to the teinds had been granted expressly to all the other parcels; it must be presumed that it was a mere omission not to give the same right to that in question, particularly as there is no reservation of teinds in the conveyance; and there has been no demand made for those teinds by the family of Athole from the date of the feu.

The Lords found that the Earl of Moray had instructed a sufficient right to the teinds. See APPENDIX.

Fol. Dic. v. 4. p. 353.

1782. July 17.

HERITORS of the Parish of COLLESSIE *against* MISS HENRIETTA SCOTT.

No. 82.

Whether
separate *red-*
dendos for
stock and

Miss Scott was proprietress of certain lands which had anciently belonged to the abbacy of Lindores. In all the different charters of these lands, the teinds were comprehended, and uniformly denominated, *decimæ garbales inclusa*. Differ-