

STIPEND.

1611. November 7. THOMSON *against* VISCOUNT HADDINGTON.

AN erected Lord having presented a minister to one of his kirks, if he obtain not collation and institution, the Lord may not make payment to him of the stipend contained in his infestment; but the same will be accounted as an implanted minister's stipend, and pertain to any minister to whom the Platt shall assign it.

Fol. Dic. v. 2. p. 395. Haddington MS. No. 2292.

No. 1.

1622. December 20. MINISTER of CRAILING *against* KER.

The Minister of Crailing having assigned to him, by the Commissioners of Parliament, a constant stipend furth of the fruits of the said church, Sir John Ker, pretended patron, and heritor, and his successors and intromitters, charged Alexander Stewart and Sir John Preston, as having comprised Sir John Ker's right of the Abbacy of Jedburgh, whereof the kirk was a part, to pay to him his modified stipend. They suspended, alleging, That they had not intromitted by virtue of their comprising, but that Sir John Ker had spuilzied; to which action they were content to make the Minister assignee *pro tanto*. The Lords would not sustain the reason to put the poor minister to pursue Sir John Ker, who was a notour rebel; but found the letters orderly proceeded, notwithstanding that reason.

Fol. Dic. v. 2. p. 394. Haddington MS. No. 2710.

No. 2.
A compriser of a right to teinds, though never entering to possession, is liable to the Minister for his stipend.

* * Durie reports this case :

Sir John Preston having comprised Sir John Ker's heritable right of the teinds of Crailing, for debt owing to him by the said Sir John Ker, and being charged to pay the minister's stipend, wherewith the teinds were affected, suspended, on this reason, That he was not intromitter, and that he renounced his comprising of these teinds; which comprising, not being profitable to him, for his own satisfaction, could not bring any other burden upon him, there being other persons who intromitted with the teinds. The Lords found this reason noways relevant;