

1676. *June 9.* BURNET *against* GIB.

No. 118.

Kail, herbs, and roots, are not teindable, unless ancient custom be alleged.

*Stair. Dirleton.*

\* \* \* This case is No. 102. p. 15717.

1678. *July 24.* LAIRD OF GRANT.

No. 119.

Calves, lambs, and wool, commonly pay vicarage in all places, and are not properly consuetudinary, and therefore cessation of payment does not create exemption.

*Fountainhall MS.*

\* \* \* This case is No. 62. p. 10673. *voce* PRESCRIPTION.

1679. *November 27.*

ALEXANDER BURNET, Merchant in Aberdeen, *against* PATRICK GIB.

No. 120.

This defence was found sufficient to assoilzie from the teinds of a croft of land, That, for thirteen years, it was possessed as a glebe by the Minister of Fittie, though he was only a catechist at a chapel of ease for the fishers; and also found, that the carrots and neips herbs were not liable for teind, unless it were the custom of the place to pay teind therefor; and, after probation, it was found they were in use to pay eighteen pence for every hundred beds.

*Fountainhall MS.*

1681. *January 11.* DRUMMOND *against* DALRYMPLE.

No. 121.

The Lords assoilzied from a declarator craving that the party might be liable for only one of ten, and be free where there were only nine, or fewer, animals, which are indivisible; and found, that though there were but one, they were liable to the tenth of the price.

*Fountainhall MS.*

\* \* \* This case is No. 40. p. 15645.