

or surrogation, but by complete confirmation. And found, That whatsoever testaments were actually confirmed within the time of the defunct's life, or annat, should belong to his executors; and that the quots of all confirmations after the annat, should belong to the incumbent, though the defunct died before. And found, That the late Bishop having died before the late act of Parliament anent the annat, that it was to be ruled by the former law and custom, as by a letter from King James, and a determination of the Bishops, by virtue thereof, viz. That if the Bishop die before Michaelmas, he hath all that year in which he dies, and if after Michaelmas, he hath all theyear in which he dies, and the half of the year thereafter.

No. 32.

*Stair, v. 2. p. 439.*

\* \* Dirleton reports this case :

The Lords found, That a Bishop and executors, had right only to the quots of such testaments, as were confirmed in the Bishop's time, in his own right, as Bishop for the time : And the said quots, being in effect sentence-silver, *dies cedit*, by the confirmation; so that whosoever is Bishop then, has right to the same.

They found likewise, That quots being a part of the Bishop's patrimony and rent, the quots, of all testaments confirmed within the half year, after the Bishop's decease, did fall under the ann, and belong to the Bishop's relict and executors. *Vide Carpzovium. Lib. 1. Jurisp. Consistorialis de Salaris defuncti Pastoris semestri.*

*Dirleton, p. 184.*

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1681. *January 12.* TROTTER *against* ROCHEAD.

Where the husband survived Martinmas, his relict provided to a jointure of certain chalders of victual, to be uplifted yearly betwixt Yule and Candlemas, was found to have no claim for any part of that year's rent, but that the husband's executor had right to the whole.

No. 33.

*Fol. Dic. v. 2. p. 453. Stair. Fountainhall.*

\* \* \* This case is No. 12. p. 2375. *voce* COLLATION.

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1683. *February.* BLAIR *against* SKEEN of Hallyards.

Mr. John Blair, Minister at Scoon, having pursued the Lady Hallyards for a half year's stipend of the church of Auchtertoill, due at Martinmas 1682; alleged for the defender, That she could not be liable for the half year's stipend, because the pursuer had obtained a presentation to the church of Scoon, and institution

No. 34.  
Found that a Minister had right to the half year's stipend pre-