

No 29. church, appointed trial to be made, if the minister possessed as minister or heritor.

Harcarse, (MINISTERS.) No 688. p. 194.

1682. *November.* MR JOHN RUE *(gainst)* FULLERTON of Dreghorn.

No 30.

FOUND, that a minister charging upon an old decret of locality, obtained by the former incumbent, without a decret conform at his own instance, might be suspended upon caution without consignment.

Harcarse, (MINISTERS.) No 689. p. 194.

1683. *March 20.* BISHOP of the ISLES *against* STUART of Ascog.

No 31.

Conversion of victual, payable to a bishop, into money rent, found a contravention of act 11th, parl. 1585, and the writ containing the conversion reduced.

IN the reduction pursued by the Bishop of the Isles against Stuart of Ascog, and Stuart of Archatton, of a tack of teinds set by the Bishop's predecessor to the saids persons, which tack bore, that the saids teinds were rental bolls paid to the Bishop and his tacksman, and that the victual was converted to 20s. the boll; the pursuer having insisted upon this reason of reduction, That the tack was in diminution of his rental, and contrary to act 11th, Parliament 1585, whereby all conversions are discharged; it was *answered*, Albeit the tack bore rental bolls, yet they were never paid to the Bishop, as appears by a tack in 1606, set by Bishop Knox to an Englishman, for payment of a certain silver duty, without relation to bolls; and that this tack was presumed not to be in diminution of the rental, being immediately after the act *anno* 1606, anent dilapidations made by benefited persons. And it being *replied*, That the tack quarrelled, bore the said teinds were rental bolls; and also a former tack in 1665 bore the same, and by a declaration under the hands of the heritors in 1636, when the annuity was statuted, they declared that these teinds were set for old rental bolls payable to the Bishop;—THE LORDS found, that, by the two tacks, and declaration foresaid, these teinds were rental bolls; and the conversion in the tack quarrelled, was a contravention of the act of Parliament 1585, and therefore reduced the said tack.

Fol. Dic. v. 1. p. 528. P. Falconer, No 61. p. 40.

. Fountainhall reports the same case:

'THE LORDS found the Bishop hath right to the rental bolls, conform to the first assumption, and though the tack be in 1606, when Bishops were by act of Parliament then standing allowed to set long tacks, yet being after the 11th