

1749. *June 14.* FAIRNIE *against* The HERITORS of DUNFERMLINE.

No. 21.

In what case competent for a second Minister to pursue for an augmentation.

Though the stipend of the second Minister of Dunfermline appeared to have been originally 1,000 merks, raised by contribution by the Earl of Dunfermline, the Town, and other parishioners; yet, as by a decree in 1650, the commission had so far interposed, as to convert so much of the money into victual, and to determine by whom the same should be paid as the constant stipend in all time coming. "The commission now found Mr. Fairnie, the second Minister of Dunfermline, entitled to an augmentation on the teinds."

*Fol. Dic. v. 4. p. 300. Kilkerran, No. 3. p. 521.*

1770. *March 7.*

The OFFICERS OF STATE and The EARL of BREADALBANE, *against* DUNCAN CAMPBELL of Lochnell.

No. 22.

Whether teinds, called the Bishop's quarter-tithes in the Bishopric of Argyle, are to be considered as free teinds, and subject to allocation, in augmentation of stipend, before teinds to which the proprietors had heritable rights?

In the year 1602, King James VI. granted to Alexander Campbell, Prior of Ardchattan, the said priory, the kirks of Balliveodan, Bendrallach, and five other kirks, with the patronages, teinds, &c. parts of the priory. The charter bears, "Ereximus et tenore præsentis chartæ nostræ erigimus rectoriam seu parsonagiam, in qualibet ecclesia respective supra script. quæquidem rectoriæ a præfatis ecclesiis, titulam et nomen in futurum suscipiant; pro ut nos, pro nobis, &c. decernimus, &c. quod omni tempore futuro ad quamlibet ecclesiam parochialem ante dict. erit rector provisus et admissus, in sufficiente literatura et qualificatione; qui, &c. et qui incumbit functioni ministerii ejusdem, omnibus aliis necessariis ad easdem pertinen. vel reliqui rectores, aliiqui ministri infra regnum nostrum facient, et in futurum facere astringentur; et dictæ decimæ garbales, aliæque decimæ, fructus redditus, emolumenta, divoria, et totum patrimonium dictarum ecclesiarum, cum rectoriis, vicariis, et beneficiis supra script. una cum privilegiis, libertatibus, et serviitiis ante dictis usitatis et consuetis, et pro reparatione dicta maneriei astrictis proprie pertinebunt."

The parishes in this grant, in particular the parish of Balliveodan, now called Ardchattan, are within the Bishopric of Argyle. That Bishopric was created out of the see of Dunkeld in the year 1200; and from the rental thereof, reports of the sub-commissioners of the valuation of the shire of Argyle in 1629, and the ancient and modern tacks of the Bishop's tithes, it appears that there was appropriated for that diocese in a great many of the parishes, one-fourth, called the Bishop's quarter tithes, with which neither patron, nor titular parson, nor vicar, had any concern. In particular, in the valuation of the sub-commissioners, the priory of Ardchattan is marked as patron of the parish of Balliveodan or Ardchattan, and titular of three-fourths of the tithes, and the Bishop of one-fourth.