

The Lord Ordinary "sustained the objection, and remitted to the clerk to rectify the locality accordingly."

No. 39.

But on advising a reclaiming petition for the Earl of Hopetoun, with answers, the Lords considering the point to be settled by the case of Fotheringham, "altered the Lord Ordinary's interlocutor, and found that the parishes of Kirkpatrick-Fleming and Kirkconnel, being under different titularities, the modified stipend must be divided betwixt the two parishes proportionally, effeiring to their respective rentals, and that each titular has only right to allocate the proportion thereof within his own titularity."

Lord Ordinary, *Ankerville*.  
Alt. *D. Williamson*.

For Sir William Maxwell, *H. Erskine*.

R. D.

*Fac. Coll. No. 95. p. 225.*1799. *January 23.*

The DUKE of HAMILTON, and Others, *against* LORD DUNDAS, JOSEPH WILLIAMSON, and Others.

In 1708, James, Earl of Linlithgow, who was titular of the whole parish of Falkirk, sold the teinds of the barony of Polmont, part of the parish, to the Duke of Hamilton.

This barony, and other lands in the parish of Falkirk, the teinds of which were held by those in right of the family of Linlithgow, were afterwards erected into the parish of Polmont.

In a locality of this last mentioned parish, it was considered by the Court, on advising memorials, as a point completely settled, that, as there were two titularities here, the augmentation must be divided between them according to their proven rentals, and separate schemes of locality given in, subdividing the burden among the heritors in each, according to the ordinary rules, i. e. exhausting the free teinds before those heritably disposed; 13th July, 1774, Fotheringham against Bower, and others, No. 27. p. 14815; 5th December, 1798, Sir William Maxwell, No. 39. p. 14832.

Judgment was given accordingly.

Lord Ordinary *Ankerville*.  
Alt. *Wm. Robertson*.

For the Duke of Hamilton, &c. *Ed. M'Cormick*.

D. D.

*Fac. Coll. No. 106. p. 244.*1801. *December 8.*WRIGHT *against* BINNING.

The Reverend James Wright, Minister of Maybole, obtained (23d November, 1796,) an augmentation of stipend in the teind-court. The process of locality was

No. 40.

When there are two titularities in a parish, the burden of augmentations of stipend is borne by them according to the proven rental of the lands in each, and separate schemes of locality are made up, subdividing the burden among the heritors in each, according to the ordinary rules.

No. 41.

A Minister is entitled to