

No. 3. 1740, Nov. 19. POLLOCK *against* THE HERITORS OF KILLALAN.

THE rule of modifying stipends is, that the *minimum* must amount to so many chalders victual and 100 merks as make eight in number, not valuing the victual but counting the number of chalders; therefore the pursuer who had five chalders and a half and L.112, was found entitled to an augmentation though the victual was worth L.100 the chalder, and the Lords thought that at that conversion it was a competent stipend. This was brought over again 24th June 1741, when the proof was concluded, the former interlocutor having repelled the defence only *in hoc statu*; yet it still carried as formerly to give an augmentation in money to make up 300 merks, which with the five chalders made eight.

No. 4. 1742, July 30. MR J. M'GARROCH *against* SCOTT.

THE Lords found that a Minister on his decret of locality might charge a tenant for his stipend even to the extent of the tenant's whole rent, and is not restricted to the fifth of the rent where the tenant has the whole rent in his hands;—and therefore adhered to the Ordinary's interlocutor, and refused Scott the tenant's petition as to that point. This done yesterday.

No. 5. 1743, Feb. 15. MR J. HOGG *against* HIS CREDITORS.

HOGG's salary as lecturer which arose from a mortification being arrested by his creditors, he alleged that it was alimentary and not arrestable as servants fees, and the creditors insisted that it is arrestable as Ministers stipend. The Sheriff found it arrestable, and Minto refused an advocacy. Hogg reclaimed, and was willing to quit L.20 sterling yearly of L.50 sterling to his creditors, reserving but L.30 for his own and family's use. Both President and Arniston seemed to think it alimentary and different from Ministers stipends; and the Lords remitted to the Ordinary with a view that he might remit with instructions agreeable to the lecturer's proposal.

No. 6. 1749, June 14. SECOND MINISTER OF DUNFERMLINE *against*  
THE HERITORS.

THIS Minister pursues an augmentation; and the defence was, that the second Minister was originally established only of consent on a voluntary contribution by the town and heritors authorized by decret of the Court of Commission in 1647 and 1650, and therefore could not pursue an augmentation, as was found in the case of Falkirk and Inveresk. The Lords in respect of the decret of the Commission repelled the defence and found the pursuer entitled to an augmentation.

No. 7. 1751, Dec. 3. M'AULEY *against* REPRESENTATIVES OF KIDD.

IN 1658 a skipper in Queensferry mortified a tenement of houses to the then Minister and his successors in office, which in 1710 was filled by five different poor low families,