

# TEINDS.

---

## SECT. I.

### Nature and Effect of this Right.

---

1548. *January 21.*

The LAIRD of MERCHISTON *against* The GOODMAN of WRIGHTS-HOUSES.

No. 1.

In an action of spuilzie of teinds between the Laird of Merchiston and the Goodman of Wrights-houses, it was alleged, That the pursuer could not pursue for the whole teinds, because his libel bore, that he was only in possession of a part of them. The Lords found, quod possessio partis rei inducat possessionem totius, ut de spolio totius possit agi; nam quemadmodum per apprehensionem unius partis fundi, apprehendi censetur totum; so, by apprehending of possession of a part of these teinds, the pursuer censebatur fuisse in possessione totarum decimarum.

*Spottiswood, p. 230.*

---

1584. *March.*

CRICHTOUNE *against* RUTHVEN.

No. 2.

Robert Crichtoun of Lanerneythie, and certain of his tenants, pursued James Ruthven, brother-german to the Earl of Gowrie, for the spoliation of certain corns furth of their barns, barn-yard, arable lands, and field lands. It was answered, That they did not wrong in the coming to the barn-yards and taking away of the corns, because the defender being lawfully provided to the benefice of the sub-chancellory of Dunkell, and by virtue thereof had undoubted right to the said teind-sheaves, as proper parts of the patrimony of the said benefice, and had long time of before use and possession with the intronitting of the said teind-sheaves. It was answered, That he ought, according to the ordinary method, to have teinded the sheaves into the fields, and not to have come to the barn-yards to have cast

Teinding the corns by easting the stacks was found a spuilzie, and that it ought only to be on the ground.