

No 12. 1622. June 28. Mr JOHN NICOLSON *against* PORTEOUS.

GLEBE may not be designed out of the Bishop's lands where there are Abbot's lands.

*Fol. Dic. v. 1. p. 351. Kerse, MS. fol. 9.*

\* \* \* Nicolson reports the same case :

BISHOP'S lands, albeit most ewest to the manse, may not be designed where there are abbot lands in the parish, albeit they have been possessed by ministers, and be environed with the manse and glebe. The designation ought to have been made furth of the abbot's lands before the bishop's lands, and so furth of Pittendreich, Midmilnes, and Spout, quhilk held of Halyrudhouse conform the act 1593. *Alleged*, Be act 1572, glebes are ordained to be designed out of kirk-lands most ewest to the manse, and the lands designed are kirk-lands and most ewest to the manse. *Replied*, The act 1572 is only made for glebes where there are parson's and vicar's lands within the paroch ; and, in this paroch, there are no parson nor vicar lands, and so the Abbot lands should have been designed before the Bishop's lands. Find the reason and reply relevant. *Furder alleged*, That the lands designed have been bruiked by the ministers, and are environed *ex omni parte* be the manse and old glebe, and must be presumed to be parson or vicar lands. *Replied*, Oppones the act 1593, and the presumptions are not relevant, except it were alleged that the Archbishop of St Andrews was parson of the said kirk the years of God 1572 and 1573 ; and this kirk has been these many years a severall benefice, and pertaines to the deanry of Restalrig, sua that the Bishop of St Andrews cannot be parson thereof. *Repel* the allegiance in respect of the reply, because the kirk of Leswade pertaines to the deanry of Restalrig, and the deans have been in possession thereof as part of the patrimony of the deanry.

*Clerk, Durie.*

*Nicolson, MS. No 64. p. 42.*

No 13. 1629. February 3. CHEYNE *against* PARISHIONERS of Manela.

WHERE a new kirk is built in another part than where the old kirk stood, with consent of parishioners, although the same be not done by act of Parliament ; yet, if the minister want a manse and glebe, or a part of his glebe, that which he wants may be designed to him out of the kirk-lands lying next to the new kirk, by reason of the consent of the parishioners for building the new kirk.

*Fol. Dic. v. 1. p. 351. Auchinleck, MS. p. 84.*