

K I R K Y A R D.

1609. July 25.

BASS *against* YOUNG.

THE grass of a kirk yard cannot be assigned by the plat to the minister of the the parochin, because it is common to the parochin, and may be set by them for a duty to be applied *ad pios usus*.

No 1.

Fol. Dic. v. 1. p. 532. Haddington, MS. No 1633.

1777. July 5.

TOWN OF GREENOCK *against* SHAW STEWART.

THE parish of Greenock, which originally consisted of a burgh of barony of that name, holding of Mr Shaw Stewart, and a landward district, having lately increased very much in population, so that a new church yard became necessary, the Magistrates brought an action against Mr Shaw Stewart, concluding that a sufficient quantity of ground, which he had in property adjoining to the old church yard, should be set apart, and the expense of the purchase of the same proportioned among the heritors, according to their respective valuations. The defender admitted the necessity of an addition to the burying-ground, but *contended*, That though the rule of assessment proposed was very just in parishes entirely landward, yet in the present case, when the necessity arose from the encrease of the inhabitants of the town, the expense should be paid out of the town's funds. THE LORDS found that the additional burying-ground must be furnished by the heritors who have ground proper for the purpose; but that the heritor who furnishes the same must be indemnified by the other heritors and by the community, in proportion to the number of examinable persons residing upon their estates, and within the community respectively. See APPENDIX.

No 2.

Fol. Dic. v. 3. p. 371.

See KIRK PATRIMONY.

See APPENDIX.