

1629. February 13. L. DUMFERMLINE against M'GILL, Minister there.

IN a suspension of charges for removing from a minister's glebe, upon a reason that there was as much land as would extend to four acres nearest to the manse, and nearer than the land designed, which was condescended to be of the lands within the precinct of the abbacy, and which the suspender alleged ought to be designed, conform to the act of Parliament *anno* 1572, the same being arable land; this reason was not sustained, because that land within the precinct condescended upon in the said reason, was parked in within the precinct, which now was become the King's Park, the Abbacy being annexed to the Crown, and the said precinct kept for the King's Park, and that land never being laboured nor tilled of before. Neither was it respected that the suspender alleged that the same might be tilled, and was commodious for that use, and that the minister had his manse within the precinct, which ought to draw with it the glebe thither also, where there was the conveniency of a glebe; which was not respected.

Act. M'Gill.

Alt. Stuart.

Clerk, Gibson.

*Fol. Dic. v. 1. p. 351. Durie, p. 425.*

1629. July 24. NAIRN against BOSWALL.

THE minister charging to remove from his glebe, which was designed out of the abbot's lands, it was found, That he could not have his glebe out of abbots lands, in respect of the act of Parliament 1572, seeing there were parsons lands; which the LORDS found, ought first to be discussed, before any other abbots lands could be designed; and albeit the said parsons lands were of old feued, and that the same were all new built houses, and a part of the town of Dysart built thereon, so the minister alleged that the same was not arable land; yet the LORDS found, That the minister had right first to seek the same, and that the feuers thereof should either remove therefrom, or else obtain and buy another glebe to him; for the LORDS found, That the foreaid act of Parliament extended as well to the glebe as to the parson's and vicar's manse.

Act. Nairn.

Alt. ———.

Clerk, Gibson.

*Fol. Dic. v. 1. p. 352. Durie, p. 467.*

1636. July 13. LAMMOND against BENNET.

MR ANDREW LAMMOND minister at Merkinsh, having charged upon his designation of his glebe Robert Bennet heritor thereof, who suspending, that the lands

No 14.

In a removing from lands designed as a glebe, the defence, that there was land within the precincts of an abbey, nearer than the land designed, was repelled, because the abbey was annexed to the Crown, and the lands unparked and not tilled.

No 15.

A glebe found not designable out of abbey-lands, where there were parson-lands; tho' the latter had been feued, and houses built thereon.

No 16.

Found, that a minister may get his