

probation against my designation, and he proving the same by witnesses, the minister's letters shall be suspended *simpliciter*, and so he shall never get an effectual designation. The Collector *answered*, That the Lords were always in use to admit the feuer's reason, that there were kirk-lands more ewest than the lands designed to probation, in respect whereof, without any answer either to the reason or the inconveniencies aforesaid, the LORDS found the suspender's reason, that there were other kirk-lands mair ewest, relevant, and admitted the same to probation.

No 2.

*Fol. Dic. v. 1. p. 565. Haddington, MS. No 833.*

1612. *January 22.*PITTENWEEM *against* DURIE.

A MINISTER seeking a manse to be designed to him within the precincts of an abbay, the Prelate or Lord of Erection has liberty, by act of Parliament, to refuse to give him his manse within the precinct, if they really offer to give him a manse as useful and commodious outwith the precinct.

No 3.  
Found in conformity with Balfour against Arch-bishop of St Andrew's, No 1. p. 8495.

*Fol. Dic. v. 1. p. 565. Haddington, MS. No 2361.*

1631. *February 11.*MINISTER of INVERKEITHING *against* KER.

No 4.

FOUND, That although the most ewest kirk-lands, where there was no glebe before, might be designed; yet that the houses upon that kirk-land could not be claimed by the minister, if these houses never belonged to any incumbent before, because there was no foundation in any statute for such a demand; and therefore that the minister had nothing left but either to deal with the parish to build him a manse, or pursue them for the same, or build it himself, the expenses whereof would be refunded to his executors by the next intrant, conform to the act of Parliament.

*Fol. Dic. v. 1. p. 565. Durie.*

\* \* \* This case is No 4. p. 5124, *voce* GLEBE.

1632. *January 20.*MONTEITH *against* KER.

No 5.

THE whole vicar's manse should pertain and be designed to the minister, Ja. VI. Parl. 3, cap. 48. whether the same be set in feu or not, and was so decided betwixt Mr Robert Monteith of Duddingston and John Ker, pretending a feu of the vicar's manse.

*Auchinleck, MS. p. 124.*