all personal at her father's death, albeit some of them were apprised for before she got her aliment. The defender answered, That there was a sufficient superplus, because she offered to take the lands, or find sufficient tenants therefor, for 4,300 merks yearly, which was £1000 above her liferent, and would exceed the annualrents of all the debts. The Lords found this last defence relevant; but did not proceed to determine whether an aliment would be due where the burden was but by personal debt.

Vol. I, Page 515.

1668. *February* 7. The MINISTER of COCKBURNS-PATH *against* His PARISHIONERS.

THE minister of Cockburns-path, having obtained a designation of a horse and two kine's grass, conform to the Act of Parliament 1661, pursues a declarator of his right thereby. It was alleged Absolvitor, Because the designation was null, in respect it was, by the bishop's warrant, directed to three ministers *nominatim*, and it was performed only by two, the third not having come; and a commission to the three must be understood jointly, and not to empower any two of them, unless it had been expressed; likeas the Act of Parliament anent the grass requires the designation of three ministers. The pursuer answered, That, by the Act of Parliament 1661, the designation of grass is appointed to be according to the old standing Acts anent manses and glebes, which do not require three ministers,—that number being only required by the Act of Parliament 1649, which is rescinded, and not revived as to that point; and, seeing three ministers are not necessary, but that two are sufficient, the designation done by two is sufficient. The Lords sustained the designation, unless the defender show weighty reasons of prejudice upon the matter.

Vol. I, Page 521.

1668. *February* 26. The LAIRD of MILNTOUN *against* The LADY of MILNTOUN.

THE Lady Milntoun, having obtained decreet of divorce against John Maxwell, her husband,—the Laird of Milntoun, having right from her husband to her liferent, which right fell by the divorce, pursued a reduction of the decreet of divorce; wherein the witnesses being examined and reëxamined, the Lords adhere to the decreet of divorce, and assoilyie from the reduction. At which time the Lords having allowed him to insist as in reprobators, he now pursues the same for convelling the testimonies of the witnesses, because they were corrupted and suborned, both by promises and getting of good deed, and being prompted how to swear, as their oath on reëxamination bears: and because their oath is not only suspicious, but impossible; because it is offered to be proven that the parties were *alibi*, at a great distance from the place where the witnesses deponed that they committed adultery, and that for several days and nights thereafter, and before. The defender alleged, That the libel was no ways relevant;