

prejudged themselves of their glebe in the manner condescended on *sibi imputent*.*

To this it was ANSWERED,—That the said rectory will not be the third part of the town; that the haill feu-duties paid him will scarce make a dollar a year; that this ground was feued out long before the acts of Parliament appointing ministers to have glebes, and so cannot be reputed his glebe.

Yet the Lords construed it “instead of his glebe;” only they did him this favour, that the haill ground whereon these houses were built should be met, and if it wanted any thing to make it a complete glebe, conform to the quantity designed by the acts of Parliament, that then the same should be made up out of the Pathhead, because the defender could condescend upon no other parson’s lands, save these of this rectory. Whereon they transacted the matter; and for the overplus, Watsone obliged himself to pay the parson, yearly, a sum of money during his incumbency there. See this decision, *Tit. 9, voce Gleibs*, in an 8vo. MS. of Pratiques.

Advocates’ MS. No. 309, folio 126.

1672. *January 24.*

A PUPIL being pursued either as lawfully charged to enter heir or to renounce lands because of an order of redemption used, and compearing, and producing a renunciation subscribed by his tutor, taking burden for the pupil; the Lords sustained the same as a good and sufficient renunciation;

Albeit it was ALLEGED,—That it ought to be subscribed by the pupil’s self, principally, and also by his tutors. Which was repelled, because *in ætate pupillari tutor gerit personam pupilli*; and he may be an infant that cannot write; yea few can write any till they be ten or twelve. What if the child be a lass, who if of the minor sort, are seldom taught to write at all? It is granted, after tutory expires, the minor begins and acts principally himself in all deeds, and his curators do but consent; *at res aliter se habet in tutela ubi datur personæ non rebus; intellige principaliter*. *Vide infra, No. 411, [July, 1673.]*

Advocates’ MS. No. 310, folio 127.

1672. *January 25.*

A SUSPENSION having been quarrelled as passed, contrary to the regulations, in so far as by the nineteenth article thereof, it is ordained, that no decret *in foro* be suspended if in the time of Session, till the bill be presented to the haill Lords; if in the vacance time, then it must be passed by three together; and that this suspension, though a decret *in foro*, was passed only by one, viz. my Lord Newbyth, and so was null.

* Yet see act 27, Parliament 1563, prohibiting glebes to be set in feu or in tacks.