

1680. *December 1.*

No 20.

MUIR, Minister of Fraserburgh, *against* The HERITORS.

THE LORDS found the 48th act, 3d Parl. James VI. conceived as well in favour of the heritors as the ministers, and therefore, if there be kirk-lands of the same holding near his manse, he must not pick and chuse, to design lands that lie remoter, because better.

*Fol. Dic. v. 1. p. 351. Fountainball, MS.*

1698. *February 12.*

No 21.

MR WILLIAM DUNCAN *against* The PARISHIONERS of Kilpatrick-Easter.

A glebe cannot be designed out of temple lands.

IN a pursuit by Mr William Duncan against the parishioners of Kilpatrick-Easter, for making up the minister's glebe, and L. 20 yearly for his grass; the question arose, if temple-lands were kirk-lands in the sense of the act of Parliament, so as to bear a proportional burden with bishop's, parson's, and abbot's lands; and the LORDS remembered it had been several times decided they were not, being given to the Knights for defending the Temple of Jerusalem at first, and then Rhodes and Malta, and were secular lands. And I find it so decided in the Parliament of Paris in Antonius Bengæus, and Francis Pinzonius, their *tractates de beneficiis ecclesiasticis*.

*Fol. Dic. v. 1. p. 352. Fountainball, v. 1. p. 824.*

1794. *June 10.*

No 22.

The MINISTER of Kingsbarns *against* The Hon. HENRY ERSKINE, and Others.

Temporal lands cannot be designed for a glebe in a parish in which there are church-lands, however distant they may be from the manse.

THE parish of Kingsbarns was in 1631 disjoined from the parish of Crail. A manse and offices were built for the Minister of the newly erected parish, but no glebe was designed for him.

The present incumbent having applied to the presbytery for the designation of a glebe, they assigned for this purpose four acres of temporal lands lying contiguous to his manse. There are church-lands in the parish, but the nearest of them are distant from the manse at least three quarters of a mile.

The proprietors of the temporal lands brought a suspension of the proceedings of the presbytery, in support of whose sentence the Minister

*Pleaded;* The object of the legislature in allotting a glebe to every minister of a country parish, was to provide him with all those articles in kind, which are requisite for the accommodation of his family; and to answer this end, the glebe should be in the immediate vicinity of the manse and offices. With this