

Par. 13, cap. 165, first, the vicars', parsons', abbots', friars', priors' lands, and last, all other kirk lands, are appointed to be designed; and he offered him to prove, that there is both priors' and bishops' lands within the parish, which ought first to be designed. To the which it was answered, That the alleged bishops' and priors' lands ly two miles distant from the kirk, and so could not be commodious for the minister. The Lords would not transgress the order set down by the Act of Parliament; but found the reason of suspension relevant.

*2d MS. Page 90.*

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1636. *July 13.* DOCTOR LAMOND *against* BENNET.

DOCTOR Lamond, minister of Markinch,—having designed to him, for a part of his glebe which he wanted, certain yards, and a mire or meadow lying adjacent to the glebe, set in the feu by the vicar,—pursues removing from the said yards and meadow against Bennet, notary in Kirkaldie, heritor thereof. It is alleged by the said Bennet, That he cannot be decerned to remove therefrom; because the same is no arable ground. The Lords repelled the allegeance; because the Act of Parliament makes no mention of arable lands, but of kirklands, Ja. VI, Par. 3, cap. 48.

*2d MS. Page 90.*

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1636. *July 20.* LORD TORTHORRELL *against* The EARL of QUENISBERRIE.

IN an action pursued by the Lord Torthorrell against the Earl of Quenisberrie, the said Earl, defender, craved a protestation, and summoned the pursuer to insist, with certification he should not be heard hereafter. The pursuer takes a day to insist. At the said day the certification is craved, and the pursuer's procurators passed from their compearance. The Lords granted the certification against the pursuer compearing; because he had taken a day to insist, and the nature of this action was such, as it had no other litiscontestation but certification that he should never be heard thereafter.

*2d MS. Page 184.*

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1636. *December 16.* The LAIRD of HAPLAND *against* The TENANTS of HALKET.

THE Laird of Hapland, heritor of the seventh part of the lands of Halket, bruiked by the tenant *pro indiviso*, with the other six parts pertaining heritably to the Laird of Robertland, pursues the tenants to pay him such yearly duties and interest *pro rata*, for his seventh part, as they had paid to Robertland for his other six parts, and to take from him the like tacks or rentals, seeing they bruiked the whole *pro indiviso*. To the which it was answered for the tenants, That the