

glebe, otherwise the designation will be thought not done, according as the act of Parliament prescribeth; as was found between Mr John Hamilton, Mr Athlington, and John Tweedie, whose designation was found null, notwithstanding that it bore it to be made by the moderator, and others of the presbytery of Peebles, with the advice and assent of the whole elders and honest men of the parish, because there were none denominated *specificce*.

*Spottiswood, (KIRKMEN, &c.) p. 188.*

No 9.

1668. *January 28.*

Mr WILLIAM MUSHET Minister of Hassenden, *against* The DUKE and DUTCHESS of Buccleugh.

THE minister of Hassenden having obtained designation of a glebe out of the Duke of Buccleugh's lands, pursues removing; the Duke suspends on this reason, that the designation is null, not bearing citation or intimation to the parishioners, neither is the Duke cited to the designation upon 60 days, as being out of the country. It was *answered*, That by the constant custom in such cases, there is only intimation given at the kirk-door, or out of the pulpit, of the day of designation, which the defender offers to prove uses to be done in the like case.

Which the LORDS found relevant, albeit the intimation was not mentioned in the designation.

*Fol. Dic. v. 1. p. 351. Stair, v. 1. p. 515.*

No 10.

The designation of a glebe found to have been sufficiently intimated, by warning of the heritors from the pulpit or at the kirk-door.

## S E C T. V.

Glebe, out of what lands designable.

1594. *January 6.*

CUNNINGHAM *against* KIRKMAHOLM.

A MANSE and glebe being designed to Mr Daniel Cunningham minister, and he having charged the occupiers to remove, they suspended, *alleging*, that the glebe designed for him was of great bounds, whereupon there were many houses biggit, and could not be decerned to appertain to the minister. THE LORDS ordained the letters to be put to further execution against the Laird of Kirkmaholm and his tenants, notwithstanding the reason; because there were many of the said houses biggit since the time of the said designation.

*Fol. Dic. v. 1. p. 351. Haddington, MS. No 469.*

No 11.

Found that a minister may get the kirk-lands nearest to the kirk and manse designed to him though houses have been lately built on them.