

1745. *January 3.* MINISTER of Kilwinning *against* GLASGOW.

No. 3.

THE Minister of Kilwinning pursued for designation of grass, or L.20 in lieu of it, in terms of the act 1663. As all the kirklands near the manse or glebe were arable or garden ground, the Presbytery decerned in the L.20, which they laid on one Glasgow, as nearest heritor of kirk-lands; and there being about 200 small heritors of kirk-lands in the parish, which made it difficult and expensive for him to operate his relief, he brought the question before us by suspension. By a map of the ground, it appeared that there were several heritors that had kirk-lands near both manse and glebe, some nearest the one, some nearest the other, and some nearest the offices, as barn, byre, stable, &c. and the difference perhaps is only a few feet or ells, and in some of them only a corner getting out towards the glebe, or manse, or offices; and had all these grounds been grass grounds, it would have been difficult to determine precisely in terms of the act whose grounds to design; but as they were none of them grass grounds, the question was, Whether the L.20 in place of grass should wholly be laid on the nearest, reserving his relief, or if on the whole heritors proportionally? And if on the nearest, then whether on the nearest to the manse, the glebe, or the offices? And if on the whole heritors, then whether on the whole heritors of kirk-lands, or temporal lands also? And if this last should carry, then whether the heritors of temporal lands had relief of those of kirk-lands? The Court were much divided in their opinions, and some (*inter quos ego*) very doubtful; however, it carried to find all the heritors, whether of kirk-lands or temporal lands, liable, which did not seem founded on the act 1663, but upon the rescinded acts 1644 and 1649, and what we were told of the custom since that time; but as none of the heritors of either kirk-lands or temporal lands were in the field but Glasgow alone, they could not decide the question anent the relief to the heritors of temporal lands, and therefore went no further, but suspended the presbytery-decreet. (See DICT. No. 38. p. 5157.)

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1751. *June 15.*

STEEL, Minister of Herriot, *against* Sir WILLIAM DALRYMPLE.

No. 4.

THE presbytery having designed a horse and two cows' grass, the Lords, in a suspension, ordered a visitation by two of their number, altered it in part, and gave the Minister some ground not formerly designed, in place of a part of what had been designed by the presbytery, and that without re-