it long. They were much divided till I observed that that question could not properly be determined here betwixt the Minister and only one heritor;—and therefore we went no further, but suspended the decreet.

No. 4. 1751, June 15. STEEL *against* SIR WILLIAM DALRYMPLE.

IN a suspension of a decreet of Presbytery designing horses and cows grass, after many various proceedings and proofs, we remitted to the Lord President and Drummore to inspect and report with a plan, which they did, and altered part of the ground designed by the Presbytery, and substituted another piece of ground in place of it as more proper and more convenient to both; but a doubt was suggested whether this Court could make a split new designation, or if we should remit it to the Presbytery. But the President was clear we could make the designation, and we did so accordingly. We found no expense of process due, but found the decreet must be extracted on their joint expence.

No. 5. 1751, June 20. MINISTER of DUNFERMLINE *against* BLACK.

THIS was a suspension of a designation by the Presbytery of horse and cows grass to the Minister. The chief reasons of suspension were two, first that there were other kirk-lands nearer, 2dly that the lands designed were arable lands. A proof was allowed and this day advised, when it appeared that the lands of Craig-Coupar were indeed near, and more convenient for the Minister, but they were all arable lands except two pieces of ground that had been gardens, and a barn-yard, but the fences or dikes now in disrepair, which were for the most part in grass, but one of them sometimes laboured; but we did not think these were such grounds as were by the act intended for Ministers pasture grounds, and it also appeared that they were not sufficient without taking some arable lands. And as to the suspender's lands it appeared that there was one acre designed called the wet-acre, that was somewhat wet, and therefore not proper to be dunged, but was immemorially laboured, and left out in grass alternately, that is, three years in oats, and three or four years in grass, and other two roods and 21 falls designed that was in use to be dunged and sown with beer, peas, and oats, as the other land that they called Acredale, though also sometimes left out in grass as the wet-acre was; and we thought that in the construction of the act, those were arable lands, which could not on the one hand mean lands that could not at all be laboured, for there is scarce any such, nor 2dly could it only mean lands that were always in tillage, otherwise some of the best lands in Scotland would not in the sense of the act be arable; but we thought that the act meant lands that had not been laboured, and were not fit for it; therefore we suspended the letters *simpliciter*, reserving to the Minister to insist for his L.20.

GROUNDS AND WARRANTS.

No. 2. 1735, Nov. 7. GRAHAM *against* REID.

See Note of No. 1. *voce* ASSIGNATION.