

## Sect. 3.

Concerning what is common to Manses and glebes.

In Time of Prelacy, Manses and Glebes with Grass for Ministers, were designed by the Bishop, or Ministers appointed by him, with two or three dissent Men of the Parish d. Act 21. Par. i. Sect. 3. Ch. 2. But now by Pr. Suffr. Roys, that is done by the Presbytrie, Act 31 Par. 1644. The Mode of action whereof gives the Minister, ~~the curate~~ or a Procurator in his Name Instrument in the Subject designed. Upon which he or his procurator takes Instruments in the hands of a Notary or of the ~~Curate~~ Clerk of the Presbytrie. The Designation of a Glebe was sustained albeit the Heretors were bound to it only by Intimation out of the Pulpit, or at the Church door, according to the constant Custom; and ~~was~~ one of the most considerable of them was out of Scotland, and the Intimation was not mentioned in the Designation 28 January 1660. Musket contra D. of Buccleagh. The Designation of a Glebe was excommunicated from the Presbytrie to the Session, upon grounds of Iniquity 5 Decemb. 1710 Potter contra Curie. The Lord of Session upon a Petition given in by the Minister, in whose Favour Land or ~~Ground~~ is designed for ~~Curate~~ or Monk, with the Act of Designation and Instrument, grant Warrant for Letters of Hornung to charge the Proprietors of the Lands designed, to remove within 10 Days Act 40. Par. 3. J. 6. 9. Feb 1705 Lord Say Minister of Kilbrandon Suppliant. And where a new Mause is built on old or repaired at the Minister's Entry, and the Building or Reparation valued, and the Value stentred upon the Heretors, the Lord of Session, upon a Supplication presented by those who defrayed the Expence of the Building or Reparation, ordain Letters of Hornung to pass conform to the Rent Roll 4 Decemb. 1666 Parishioners of Port Suplicants. If the Designation be of old Manses or Glebes of Parsons or Vicars, the Proprietors of these get no Relief off the Heretors of other Churchlands within the Parish Starl. 2. Tit. 2. S. 10. So they may claim a proportionable Relief against such as have Towns or other parts of the old Glebe designed. But if other Church Lands be designed for the Minister, Relief is competent to the Proprietors thereof pro rata, of the rest of the Heretors of such Lands Act 19. Par. 14. J. 6. When the Designation is of temporal Lands, the rest of the Heretors of temporal Lands must contribute proportionably, for Relief of those whose Lands are designed Act 31 Par. 1644. This Relief is not debitum fundi, affecting singular Successors, but only the Heretors for the Time 24 June 1675 Show contra Hamilton. Because, albeit the Action of Relief lies against them, upon the account of Church-

-Lands

Lands they possess; yet the same is only personal. Yea a Pursuit for Relief, not being commenced till 8 or 9 Years after the Designation those that were Heretors when it was made, were not found liable to pay Interest for the sum recovered from the Time of the Designations seeing us were debentur only expecto vel mora, and the Heretors had bona fide possessed their own Lands, as made fructus suos 7 June 1676 Stanhouse contra Heretors of Twemoor observed by Drleton.

The Manses and Glebes of Ministers, are more allodial than feudal, being given to them by Acts of Parliament, without any express holding or redditum facy are considered as held of the King in Mortification 28 March 1629 Plotcher contra Irvin Starl. 10.

All Parsons and Vicars Manses with 4 Acres of Glebe nearest to the Church, were excepted from the general Annexation and appointed for the Minister to serve the Cure Act 29 Par. ii. J. 6.

Because Churchmen took often upon them to set their Manses and Glebes in Free or long Term, that pernicious Practice was discharged Act 42. Par. 9. 2. M. Habitatio omni alij habitanda ex jure civili dari non potest, c. 8. f. de iuri & habit. domus parochiales ad seculariam usum non possunt transforri Bruneman. de jure eccles. Lib. 2. c. 3. n. 5

*Tit. 3.  
of Tithes.*

Tithes are a certain portion of Goods and Rents, due for maintaining divine Service, called the Patrimony of the Church Act 10. Par. i. J. 6.

Tithes were voluntarily paid by Abraham, vowed by Jacob and the payment of them prescribed and qualified in Moses Law: which the Heathens sometimes in their Practice copied after. But when or where the Payment of Tithes first began under the Gospel Dispensation, I cannot tell: only we're sure it was not before the fourth Century. According to Herm. Gigan, Constantine the great was the first who commanded the Payment of them. The Bishop of Tarragona (list. of the Rights of Princes Chap. 9.) says, that Pepin began, and Charles the great settled the Payment of Tithes, and other Princes generally followed their Example. Which they were moved to do by preaching up of the Divine Right of Tithes, a Doctrine which began to be asserted in the Councils of the Church, as primitive Piety and Charity decayed. Notwithstanding whereof, Laymen got into their Hands and disposed of Tithes for several Ages under Christianity. But the learned are extremely divided about the Origin of Foundation of Tithes. Some extravagant by will have it to be more ancient than the Church itself. Because Cato and other pagan Authors mention Tithes to have been raised by the Romans out of their provinces