

No 26.

chap and change glebes at their pleasure, they may disturb many of the parishes of the nation. *Answered* for the minister, That the law has appointed him a glebe for the maintenance of his family, which must be understood *cum effectu*, and the 118th act 1592, explains it sufficiently, ordaining the glebe to be of the best and most commodious land, lying most contiguous to the manse; will any man think that a glebe on a hill side, affording little more than the seed, at half a mile's distance from his manse, is the best and most commodious in the terms of the foresaid act of Parliament? and *esto*, the former ministers did not quarrel it, their neglect can neither prejudice the Church nor him; and there can be no danger in the preparative to give ministers sufficient glebes, that they may serve God chearfully, and do acts of charity and hospitality; and if the former glebe was so good as Walstoun calls it, then he has no loss by the excambion. THE LORDS found there could be no designation of a new glebe by the presbytery, till it had been first cognosced before a judge competent, that the first was insufficient; and that they were not empowered to change the glebe, that had been possessed past memory of man, by giving a new one; but if there were inconveniencies, the minister might pursue a declarator before the Lords to get them amended and repaired; and therefore they reduced this new designation of a glebe, reserving his legal remedies as accords of the law.

Fountainhall, v. 2. p. 547.

S E C T. VII.

Fuel and Pasturage.

1605. May 25.

NAIRN *against* TWEEDIE.

No 27.

FOUND that the minister may get pasturage and fuel in any commonty where the feuar has pasturage, but not within the feuar's pasturage.

Fol. Dic. v. 1. p. 353. Haddington.

* * * See this case, No 23. p. 5143.

1630. February 2.

HAMILTON *against* TWEEDIE.

No 28.

A minister found entitled, besides his four acres

A MINISTER being desired to remove from the soums grass due to the vicar lands, wherein — Tweedie the pursuer was infest, and the minister defending with his designation, whereby he had privilege of pasturage, seeing the whole