

*mosses*. Between them and mosses, which the proprietor does not propose to drain, there seems no difference.

JUSTICE-CLERK. The statute in question is a salutary one, and attended with most beneficial consequences. The *mutual* benefit of heritors is intended; their *equal* benefit could not be provided for. A march-dike that cannot be completed is nothing. The visitors, named by the parties themselves, report that the plan proposed is not beneficial, and that it is impracticable.

BRAXFIELD. The law was well calculated for the circumstances of the time, when there were no leases, or, at most, short ones. Now things are changed, and an heritor, whose lands are let on a long lease, may suffer severely, by paying for march-dikes, and yet receive no indemnification from his tenant; and therefore I am not for extending the law by a very liberal interpretation.

PRESIDENT. I remember that Lord Alemore thought that the statute in question was temporary. I did not think so; but I should have endeavoured to have been of that opinion, if the statute could have been extended to this case. [He quoted the case, *Wilson against Sharp of Houstown*.]

On the 15th of June 1784, "The Lords found that the Act of Parliament does not apply to this case, and therefore assoilyied, and found the pursuer liable in the expenses of report and extract."

*Act*. Ilay Campbell. *Alt*. R. Blair.

1784. June 16. Mr ROBERT MUTTER *against* The EARL of SELKIRK.

#### MANSE.

A Minister of a Parish, partly landward, and partly consisting of a Royal Burgh, is not entitled to demand the building of a Manse, but may claim a sum for house-rent.

[*Faculty Collection*, IX. 244; *Dictionary*, 8513.]

JUSTICE-CLERK. The minister of Kirkcudbright has no title to a manse. By comparing the different acts of Parliament together, it is plain that the legislature, in 1663, meant to give manses in landward parishes only. There is no evidence of three churches. The two, besides Kirkcudbright, were chapels, or altarages. But, supposing the case to have been different, the annexation will not give the minister of the burgh a right to a manse.

On the 16th June 1784, "The Lords suspended the charge, without prejudice to the minister's insisting for a competent house-rent."

*Act*. G. Wallace. *Alt*. A. Wight.

*Reporter*, Alva.