

tors of the 8th July and 18th Nov. 1752 be reversed, and that the interlocutor of the 26th July, 1755, after the words (sole and exclusive right of salmon fishing,) these words (in the sea) be inserted ; after the words (within the bounds and limits of the lands of Kirkside,) the words (at all times of the tide) be left out ; and that after the words (through the Wynd Path down the sea,) these words be inserted (but has no right of salmon fishing in the river Northesk, so far and at such times as the stream or water of the said river can be distinguished from the water of the sea.) And it is hereby further ordered and adjudged, that with these variations, the last mentioned interlocutor, and the interlocutor of the 9th August, 1755, adhering thereto, be and the same are hereby affirmed.”

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1755. *November 26.* DAVID FORBES, minister at Bayne, *against* JOHN MILLER, factor upon the sequestrated estate of Carleton.

THIS case is reported in the *Faculty Collection*, (*Mor.* p. 5127,) where the facts and arguments of the parties are stated. Lord KILKERRAN has the following note of the decision:—

“June 21, 1755.—Found that the minister, being already possessed of glebes to a greater extent than a legal glebe, he is not entitled to more, and dismissed the action.

“The President took occasion to say that if there only be kirklands in the parish that are arable, then there is L.20 given, but if there are no kirklands in the parish, he has no right to the L.20 at all.

“There is indeed one decision which seems to favour a different doctrine from that which the Lords have established by the decisions now given. It is observed by Dury, 22d January, 1631,—Where the minister of Innerkeithing, who had no glebe at Innerkeithing, where he resided, and was found entitled to have designed to him, notwithstanding of his having the glebe of another parish that had been annexed to Innerkeithing; but the Lords were now of a different opinion from that decision, not moved by the only argument that occurred for it, that a glebe does not answer the purpose unless it be contiguous to the minister’s residence; that argument having, as the President observed, been often overruled when pled for a minister to have his glebe brought together, which lay discontinuous, and the utmost length they could go could only be for an excambion.”

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1756. *January 13.* M’ALLUM *against* Sir RO. GORDON, &c.

“JOHN M’ALLUM as executor creditor, confirmed to Mr. John Bouer, late minister of the parish of Duffus, pursued Archibald Dunbar of Newton, the patron of the parish, and Sir Robert Gordon as heritor of certain lands in the parish before the sheriff of Elgin and Forres, for payment of certain bygone stipends, due to the said deceased Mr. Bouer, and libelled the arrears due for each particular year,