

No 33.

c. 72.; 1572, c. 48.; and 1606, c. 7. But to suppose that, under that denomination, any right to sea-ware, for the purpose of manufacturing it into kelp, can be comprehended, is equally inconsistent with the design of the provision, and with the dignity of the clerical character.

The pursuer, however, though he doubts the minister's right to it, does not mean to deprive him of the privilege of using the sea-ware in the way of manure and pasture. In the exercise of that privilege Mr Falconer has always been freely indulged. It is by no means incompatible with the right now contended for, and is not struck at by the present action.

*Answered*; Whenever lands are legally designed as a glebe for the parish-minister, the former heritor is completely divested of them. The property from that moment belongs to the church, and the superiority goes to the Crown, which accordingly has right to the liferent-escheat of the incumbent lying year and day at the horn; act 1572, c. 49. The designation therefore of a glebe is equivalent to an infeftment, and is equally capable of carrying whatever is possessed, as part and pertinent of the lands.

Neither is this general right at all limited by the terms of the designation in question. It is conceived in the usual form, and conveys to the minister of Edrachilles as full and ample a right as any minister in Scotland has to the glebe which he possesses. He is therefore entitled to the sea-ware upon his own shore as part and pertinent; and is not restrained by the nature of his right from the free use of this, more than of any other part of his benefice.

*Observed on the Bench*; The designation of a glebe is like a bounding charter. Here the designation makes no mention of shores; and the minister is circumscribed by the terms of his own right.

THE COURT, therefore, adhered to the interlocutor of the Lord Ordinary, who had 'decerned in terms of the declarator.'

Lord Ordinary, *Hails.* Act. *Honyman.* Alt. *Robertson.* Clerk, *Home.*  
*Law.* Fol. Dic. v. 3. p. 251. Fac. Col. No 2. p. 2.

1791. November 22. ANDERSON and Others, Petitioners.

No 34.

A MINISTER is entitled to have half an acre of ground for the stance of his house, stable, barn, byre, and garden, and what he wants of that quantity may be designed to him by the presbytery, out of any lands contiguous to his manse; whether church-lands or others; the proprietor of such lands having his relief against the whole heritors of the parish. See APPENDIX.

Fol. Dic. v. 3. p. 253.