

G L E B E.

S E C T. I.

What Ministers entitled to a Glebe.

1664. December 17. ANDERSON against His PARISHIONERS.

No 1.

MR JOHN ANDERSON, parson of Dysart, pursues removing from four acres of land designed to him for his glebe, against John Watson the heritor. The LORDS sustained process and decerned, notwithstanding it was alleged for the defender, that only ministers of landward kirks, and not ministers of burghs-royal, could have glebes conform to the act of Parliament; which the LORDS repelled, in respect the act of Parliament is only meant of such burghs as had no landward at all in the parish.

Fol. Dic. v. 1. p. 350. Newbyth, MS. p. 13.

1685. March 26. WILLIAMSON against RAMSAY, &c.

No 2.

MR JAMES WILLIAMSON minister at Kirkaldy against Sir Andrew Ramsay of Abbotshall, and his parishioners, reported by Castlehill; the LORDS find the Town of Kirkaldy and Balsusney heritors liable for reparation of the manse, though he be minister in a burgh-royal; because it has a manse and glebe, and a landward parish, and so falls not under the 21st act of Parl. 1663; and find the teinds of the landward parish are liable for repairing the quire of the kirk; and find the heritors of the acres and landward parish are liable proportionally for reparation of the body of the kirk, unless they will quit their seats; and find the minister has right to crave grass to be designed to him out of the landward parish, in manner prescribed by the act of Parl. or the sum of L. 20 Scots yearly for foggage; reserving to those out of whose lands the said designation shall be made, their relief against the rest of the heritors of kirk-lands within the parish, conform to the acts of Parliament.

The minister of a burgh-royal has right to crave grass to be designed to him out of the landward parish, reserving to those out of whose lands the designation is made, relief against the heritors of kirk-lands within the parish.

No 2.

Queritur, If this interlocutor means that part of the landward parish of Kirkaldy, which thirty-five years ago was disjoined and dismembered from it, and erected into a separate parish, called Abbotshall, and bears all these burdens of repairing the kirk and manse, and furnishing grass and foggage to their own church and minister; or, if it should be restricted to that part only of the landward parish, which yet remains and continues with Kirkaldy? It was *alleged*, the disjunction was only *quoad curam animarum*, but not to prejudice the minister of Kirkaldy of his stipend and other casualties; seeing the commission of the kirk has newly given him an augmentation of his stipend, out of the teinds of Abbotshall parish.

Fol. Dic. v. 1. p. 350. Fountainhall, v. 1. p. 358.

* * * Harcarse reports the same case :

IN a pursuit at the instance of the first minister of Kirkaldy, against the heritors of the parish of Abbotshall, that had been disjoined from Kirkaldy, for a proportion of the expense of repairing his manse and church, and L. 20 yearly for foggage,

Alleged for the defenders; That they were liable for the manse of their own parish, and could not be liable for the reparation of two manses, or the reparation of a church where they had not the benefit of the word and sacraments; neither could they be liable for foggage to the pursuer, who is a minister of a burgh-town; such by the late act of Parliament 1663, c. 21. having no right to glebe or foggage.

Answered for the pursuer: Notwithstanding the disunion of the parishes of Kirkaldy and Abbotshall, as the defenders being titulars of the teinds are liable for, and do pay the pursuer's whole stipend, and the burgh is only chargeable with the second minister's stipend; so the defenders cannot decline the lesser *onera* of reparations; for otherwise the burgh, and the owners of a few adjacent acres, who have no interest in the teinds, would be unreasonably burdened with reparations. And as to foggage, that is provided by act of Parliament to all ministers who have glebes, as the pursuer has, by reason that the parish did formerly consist of burgh and landward.

THE LORDS found, That the defenders are not liable for reparation of the manse, nor yet for repairing of the body of the church, if they quit their seats therein; but found, that the quire of the church ought to be repaired out of the teinds; and that the foggage might be designed out of convenient church-lands, and the heritors thereof to have proportionable relief off the rest of the church-lands within the bounds of the old parish of Kirkaldy, though now disjoined; or otherwise, that all the heritors of church-lands should pay proportionably L. 20 a-year for foggage. *See KIRK.—MANSE.*

Harcarse, (MINISTERS.) No 693. p. 195.