1734. *February* 27.
KING'S COLLEGE of ABERDEEN *against* HERITORS of the Parish of New Machar.

No 16.

THE thatch roof of a manse having, during a vacancy, suffered considerably by winds, the heritors agreed to give it a slate roof. The heritors craving retention of a year's vacant stipend to defray the expense of this reparation, upon the act 21st, Parl. 1663; it was found that they could not crave retention in so far as the manse was meliorated, but only for needful repairs of deteriorations happening during the vacancy; and because the limits betwixt these two were difficult to be made out by a proof, the LORDS decerned for a third part of the years vacant stipend. See APPENDIX.

Fol. Dic. v. 1. *p.* 566.

1740. *February* 26.
PATRICK WOODROW Minister at Tarbolton *against* CUNNINGHAM of Enterkine.

No 17.

IN a question betwixt these parties, the LORDS found, That the vacant stipends were not subject, in the case of rebuilding the manse, to be applied for that purpose.

Fol. Dic. v. 3. *p.* 399. *C. Home, No* 149. *p.* 254.

1748. *July* 13. GAVIN PARK *against* Sir WILLIAM MAXWELL.

No 18.
Lands united to a parish *quoad sacra tantum*, are not bound to repair the manse.

SIR William Maxwell of Calderwood's lands of Meikle and Little Drips were disjoined from the parish of Cathcart, and united to the Parish of Carmunnock, *quoad sacra tantum*; which limitation in the annexation, Sir William *pleaded* to exeem him from contributing towards building a manse for the minister of Carmunnock; and the LORD ORDINARY, before whom a suspension came of a charge against him for that purpose, at the instance of Gavin Park, appointed factor for collecting the money assessed upon the heritors, 'found, 23d July 1747, the letters orderly proceeded.'

Pleaded in a reclaiming bill, That the reservation in the decreet of annexation behoved to import something, and it could mean nothing else, except that the charge of the people was alone transferred; but to all civil effects the lands remained in the former parish, and they could not be liable to burdens in both parishes.

Answered, The inhabitants of these lands are bound to attend the church of Carmunnock; they are entitled to places there, and therefore are obliged to support it; and it would seem there is as good reason for their supporting the manse; the heritors would be entitled to a vote in calling a minister, if the act

No 18. of Parliament 1690 continued to be the rule; and as their charity is given there, they are undoubtedly entitled to oversee the application of the poor's money equally with the other heritors; they are in all respects to be considered as heritors in the parish to which they are united, except that their teinds continue to be part of the old benefice.

THE LORDS suspended the letters.

Act. *R. Dundas.* Alt. *Lockhart.*
Fol. Dic. v. 3. *p.* 399. *D. Falconer, v.* 2. *No* 274. *p.* 368.

1750. *June* 30. THOMSON *against* The HERITORS of DUMFERMLINE.

No 19. FOUND, that a minister in a royal burgh was not entitled to a manse by designation of the presbytery upon the act 21st, Parl. 1663; reserving to him to insist for a dwelling-house, in any other form that he shall be advised.

Fol. Dic. v. 3. *p.* 398. *Kilkerran,* (MANSE and GLEBE.) *No* 1. *p.* 342.

*** D. Falconer reports this case:

THE first minister of Dunfermline was provided, by a decreet of modification and locality, obtained in the year 1683, to L. 40 Scots, decreed to be paid him by the Magistrates for his house-mail; reserving their relief off the heritors, in so far as used to be paid by them, as accorded; notwithstanding which the minister had continued to levy L. 30 thereof directly from the heritors, as appeared from his possession in 1745, when Mr James Thomson pursued the Town for the whole, and obtained decreet; which decision is observed 15th December 1747, *voce* PRESCRIPTION.

Mr Thomson afterwards insisted before the Presbytery, for designation of a manse; and the cause was advocated, wherein he *argued*, That the act 72d, Parliament 9th, Queen Mary, on the recital that parsons and vicars had set in feu and long tacks their manses, wherethrough there was no sufficient dwelling for them that served, and should serve at the kirks; enacted that no parson or vicar should set feus or long tacks of the manses or glebes belonging to the kirks, without the Queen's consent; and further, that they that were appointed to serve at any kirk should have the principal manse of the parson or vicar, as should be found sufficient for staiking of them; or that a sufficient house should be bigged to them, besides the kirk, by the parson or vicar, or others having the manses in feu or long tacks. That act 1572, c. 48. for explanation of the act made anent manses and glebes, enacted, 'that the manses pertaining to 'the parson or vicar, maist euest to the kirk, and maist commodious for dwel-'ling, should pertain to the minister.' And act 1592, c. 118. declared the above acts should extend to all abbeys and cathedral kirks, where no other manse or glebe pertaining to parsen or vicar, was of before; so that the minister should