

was a tenant who meant to take it for the purpose of ploughing. It is very true, that formerly the distinction of *outfield* and *infield* was universal; but the outfield was the most extensive, and the most valuable of the two. [It has been demonstrated that *outfield* is of no value at all; but Lord M—— is not modern enough to know that.] Since the Act 1663, there never has been a designation of outfield.

WESTHALL. From long service in the church, I can assert that all designations of grass have been from *outfield*: I could give twenty instances of it.

GARDENSTON. I have always considered this Act, 1663, as a law of humanity and propriety. I am apt to think that both infield and outfield were excepted. The old division of land was infield, outfield, and pasture, properly so called. Such pasture, though it might sometimes be ploughed, was not arable: from the proof, I am of opinion that the ground in dispute was generally in a state of pasture. The witnesses say, that the ground was capable of being *made arable*.

HAILES. That the present state of the ground must be the rule in designing grass to ministers, and not the possible future condition of it, will be plainer from examples than it can be by arguments. The ground in the neighbourhood of Aberdeen, on the east of Tranent, and at the Figgate Whins, might, some years ago, have been designed for grass; and a large designation would have been made by reason of the state of the ground. All those parcels of ground are now become of more value than the ground in controversy will ever be.

On the 24th July 1781, "The Lords found the ground in question designable as grass; and they modified seven acres in whole;" (being about the medium ascertained by the witnesses.)

Act. A. Crosbie, &c. *Alt.* D. Armstrong, &c. [Concluded cause.]

Diss. Monboddo.

1781. *July 25.* KATHERIN and ELIZABETH SCOTTS *against* JOHN HEPBURN.

SERVICE OF HEIRS.

An adjudication on a trust-bond vests an active right in the trustee, and transmits it to his heirs.

[*Fac. Coll. VIII.* 130; *Dict.* 14,487.]

BRAXFIELD. This method of making up titles has been established ever since 1621. In practice there are instances innumerable of this. Whenever I was not sure to what predecessor a man should serve, I always advised a trust-bond and adjudication in implement, as an excellent *herry water net*.

KAIMES. Why should words be used to prove what every man is satisfied of?

GARDENSTON. An adjudication, although for a sum below the value of the subject, is as good a title as a service is. *Gordon against Ogilvie of Balbegno.*

On the 25th of July 1781, "The Lords found that an adjudication upon a trust-bond vests an active right in the trustee, and transmits to his heir; and therefore preferred Katherin and Elizabeth Scotts;" adhering to the interlocutor of Lord Monboddo.

For J. Hepburn, G. Wallace. *Alt.* G. Buchan Hepburn.

1781. *August* 10. JOHN KINLOCH *against* JOHN OGILVIE.

PUBLIC POLICE.

Steeping lint,—how to be performed.

[*Faculty Collection, IX. 15; Dictionary, 13,183.*]

THE Lords found, that, at common law, independent of statutes, it is illegal and unwarrantable to divert water from a brook, for the purpose of steeping lint in pits, if that water, after having served the operation of steeping lint, is returned into the brook.

Act. J. Erskine. *Alt.* W. Nairne.

Reporter, Alva.

1781. *Nov.* 14. HUGH, LORD REAY, *against* MR ALEXANDER FALCONER.

GLEBE.

Right to the sea-ware on the shore of one.

[*Fac. Coll. IX. 2; Dict. 5151.*]

GARDENSTON. A glebe is for furnishing grass and corn, and not for the purpose of manufacturing kelp. The kelp is not produced on the glebe, but in the sea adjacent to the glebe.

MONBODDO. I have always understood that a minister's glebe was given for grass and corn, not that every thing *de celo ad centrum* was given. Would the minister have had right to a mine discovered within the limits of his glebe? Had he found in it a marle pit, or a limestone quarry, he might have used it for the benefit of his glebe, but not for sale.

BRAXFIELD. A decret of designation of a glebe is a bounding charter: the