

1794. *November 14.*

The Reverend MR JAMES RAMSAY, Minister of Maderty, Charger, *against*
The HERITORS.

No 35.

A MINISTER who had discovered a marl pit in his glebe, offered, if he should be allowed to sell it, to employ the money at interest, or in buying land for the use of the benefice.

THE COURT found, That he was entitled to work the marl, provided it could be done without injury from the over-flowing of a river; and that the produce should be applied for the service of the benefice.

Ordinary, *Henderland.* For Mr Ramsay, *Wm Robertson, Jo. Clerk.* *Geo. Tod, Agent.*
For the Heritors, *D. Williamson.* *G. Andrew, Agent.* *Clerk, Menzies.*

Fol. Dic. v. 3. p. 251.

S E C T. X.

Powers of the Incumbent.

1791. *May 14.*

The MINISTER of the United Parishes of Little Dunkeld and Lagganallachie
against The HERITORS.

THE living of Little Dunkeld and Lagganallachie has two glebes annexed to it; one at Little Dunkeld, contiguous to the manse, and consisting of six acres of arable land, and two of pasture; and the other about two miles distant, at Lagganallachie, containing about four acres, one half arable, the other half pasture.

The yearly produce of the grounds at Little Dunkeld, cultivated in the ordinary way, could not be rated at more than 20s. per acre. But being well adapted for the establishment of a manufacturing village, the minister, with the approbation of the presbytery, feued out several acres for a yearly payment of about L. 6 per acre.

Some of the heritors having considered this transaction as *ultra vires* of a parish-minister, the question came to be tried in a process of suspension; in which the minister

No 36.

A minister has no power to feu out his glebe for building on, though on the most advantageous terms.