

1800. *February 12.*

THOMAS CRANSTOUN, Common Agent in the Locality of Peebles, *against*
MISS ELLIOT and Others.

No. 3.

Lands which originally formed the vicar's glebe, are not liable to stipend.

IN the locality of Peebles, Miss Elliot, and other heritors of lands which formerly constituted the vicar's glebe, but had been feued to a layman prior to 1569, as appeared from a charter by the feuar of that date, objected to a scheme of locality, in which part of an augmentation was laid on them, though they had before paid nothing either to titular or minister,

²¹Pleading: Glebes paid no teinds in times of popery. The exemption was continued after the Reformation, by statute 1678, C. 62., and has been understood to apply, though the lands now belong to laymen, unless they have paid teinds for forty years. This has arisen from the clergy being of old encouraged to feu their lands, provided they did not diminish the rental; and, if lands not previously liable to teinds, had become so on being feued, a feu-duty corresponding to the stock only could have been got for them; Mackenzie's Obs. on 1578, C. 62.; 16th July 1678, Earl of Queensberry against Douglas; No. 104: p. 15718; Forbes on Tithes, P. 378.

Answer: Glebes were not liable in teinds before the Reformation, only, because both stock and teinds belonged to the clergy; but when they were deprived of the right of titularity, their lands were understood to become universally liable to teinds; and the acts 1578, C. 62., and 1621, C. 10., were considered to be necessary to give a personal exemption to the reformed clergy for the glebes allotted to them; but this does not reach old glebes now possessed by laymen; especially if they have not been feued prior to the acts 1563, C. 72., and 1572, C. 48., which declared such alienations illegal.

The Lord Ordinary sustained the objection.

The Lords, upon advising a petition, with answers, (19th June 1799) adhered.

A second petition being followed with answers, the same judgment was repeated.

Lord Ordinary, *Dunsinnan.* For the Common Agent, *Williamson.* Alt. *W. Robertson.*

D. D.

Fac. Coll. No. 166. p. 370.

1800. *May 14.*

The Reverend WILLIAM STEWART, *against* The Earl of FIFE.

No. 4.

The minister of a parsonage is not

THE parish of Turreff is one of the few parsonages now remaining in Scotland; and the immemorial practice has been, for the minister, before his ad-