

&c. Gregory denied the fact, but alleged not relevant unless he made it a trade, or *2do*, if he were such yet he could not seize and detain the gun without suing for confiscation; *3tio*, that Baird was only carrying another's gun for his use and that the gun was his. Replied, Killing for sale is the character of a common fowler, and in proof thereof the Judge should confiscate the gun to the defender who apprehended it, and that Gregory had not properly his property of the gun, and if he had, *non relevat*, since Baird a common fowler had the use of it. I reported the case, and the Lords repelled the reasons of advocacy, and remitted the cause. *Renit.* Drummore, Haining, Strichen, Kilkerran, *et me.*—23d January 1753, Adhered.

GLEBE.

No. 1. 1734, Feb. 8. MR FARQUHAR BEATON *against* WILLIAM DALLAS.

THE Lords refused the bill.

No. 2. 1736, Nov. 9. MR MACKIE *against* WILLIAM NEILL.

THE Lords found that the glebe could not be in any manner feued, and therefore suspended the letters *simpliciter*.

No. 3. 1745, Jan. 3. MINISTER OF KILWINNING *against* GLASGOW.

THE question was anent the L.20 Scots payable to Ministers for their grass by the 21st act 1663. There were in this parish about 200 heritors of kirk-lands, and great disputes which was nearest the manse, and which nearest the glebe, and whether the lands nearest the manse or nearest the glebe are primarily liable; *2dly*, Where the land nearest the manse or glebe are all arable whether the L.20 ought to be assessed only on the proprietor of those nearest lands or on the whole heritors of kirk-lands. In this case the Presbytery had laid the L.20 wholly on Glasgow, and he brought the question before us. Several of us thought that the L.20 Scots is due even when there are no kirk-lands; *2dly*, That where the L.20 is due instead of grass, it ought not to be allocated allenary on the heritors of the nearest lands but upon the whole heritors. Of this opinion were Arniston and Tinwald; and others thought the relief was only against heritors of kirk-lands, and therefore the L.20 should only be allocated upon the heritors of kirk-lands where there are such,—and of this opinion were the President and Kilkerran. And others of us thought, that where there were no kirk-lands there could neither be designation nor L.20 by the act 1663 whatever might be due by custom since the rescinded acts 1644 and 1649,—and of this opinion were the President and I. The Lords found all the heritors whether of kirk-lands or temporal lands liable, in which I did not vote, and the Court were much divided. The Court were much divided as to the second question proposed, whether by the act the heritors of temporal lands have relief of the heritors of kirk-lands, and argued