mitting to the presbytery to make the alteration, though the Court has no original jurisdiction in these designations, but only power to review. (See DICT. No. 39. p. 5161.) No. 4.

1751. *June* 20. MINISTER of Dunfermline *against* BLACK. No. 5.

The Court thought, that by arable lands, the act of Parliament did not mean either lands that by industry could be laboured, for all lands are arable in that sense, nor yet lands that were constantly in tillage, for in that sense some of the best grounds would not be accounted arable; but such grounds as of their own nature were arable, and now are or have been in use to be tilled in their course with the other grounds of the farm; and lands not arable, such as were not proper for tillage, and have not been usually employed in tillage; and therefore the presbytery of Dunfermline having designed for grass to the Minister of Dunfermline grounds very valuable, one acre whereof though wet and not proper to be dunged, yet was immemorially laboured and left out in grass alternately with the rest of the farm, that is three years in oats, and three or four years in grass, and the rest of it was in use to be dunged and sowed alternately with bear, pease, and oats, and then laid out in grass as the other acredale lands;—we thought these were in the construction of law, arable lands, and therefore suspended the letters *simpliciter*, reserving to the Minister to insist for his L.20. (See DICT. No. 40. p. 5161.)

See KIRK.

See MANSE.

See NOTES.