

to the Archbishop; and if he gave no Redress the next Remedy was to procure Council-Letters for charging the Ordinary to receive the Party presented. If the Bishop refused to admit a qualified Minister presented by the Patron, he the Patron might retain the Fruits of the Benefice in his Hands Act 115. Par. 12. Act. 1. Par. 21. J. 6. not as if he could appropriate the vacant Stipends to himself, since that were a kind of sacrilege, but only apply them to pious Uses. McKenzie Observ. on Act 7. Par. 1. J. 6. Wherein he was sometimes determined by Acts of Parliament Act 52. Sept. 1. Act 23. Sept. 3. Par. 5. Ch. 2. And once with Certification, that the non Observance should infer the Loss of the Right of Presentation for the next Vacancy Act 18. Sept. 1. Par. J. 7. But it was a relevant Objection against the Admission of one presented by the Patron, that he, by a Simoniack Pact or with the Patron, had not reserved to himself a sufficient Maintenance Act 1. Par. 21. J. 6. Nor was the Bishop obliged to receive an Expectant who was not an actual Minister, *ibid.* McKenzie Observ. on Act 7. Par. 1. J. 6. Because non constat that such a one is qualified. If the Patron, whether Ecclesiastick or Laick did not tender his Presentation to the Bishop within 6 Months after the Living became vacant Act 7. Par. 1. J. 6. The Right of Presentation lapsed to the Bishop for that Time Act 1. Par. 21. J. 6.

After the Extirpation of Popery, the King's own coronation was accounted Patron, if another did not appear 13 November 1674 Crawford contra Christie. For at the Reformation all Patronages belonging to the Pope were as Hope (min. Pratt. tit. Kirks and Benefices) observes by the Law abolishing his Authority in Scotland, established in the King's Person: and those pertaining to Bishops, Abots and Priors his Majesty acquired Right to by mere Custom. The Lords of Erection after the Reformation got frequently Gifts of Patronage ingrossed in their Charters of Church-lands and tho' the same was not therein expressed they exercised the Privilege and acted as Patrons: which was quarrelled by the King, but the Point of Right never came to a legal Decision. Lands belonging to Benefices of Laick Patronage are excepted from the general Annisication 1507 Act 29. Par. 11. J. 6. that is, such Laick Patronages as were duly established before the Reformation McKenzie Observ. on Act 7. Par. 1. J. 6. But yet Rights of Laick Patronage granted before the Year 1561 were declared to fall within the Compass of the general Submission and H. Charles the first's Decree arbitrarie in Men's Lands, and his Majesty's Annuity, and the remaining Fithes only to pertain to the Laick Patron in Price or Rente, in all Cases where they were in Possession Seven Years of Fifteen immediately preceding the general Submission Act 19. Par. 1. Ch. 1. Collegiate Churches, Chaplains and

and Altarages are under the Patronage of their particular Founders, and their Successors. Patrons of Provostries, Prebendaries and Altarages holding of the Crown by Investment, are allowed to present the same to Bishops in Colleges at their Pleasure Act 12. Par. 1. Act 150. Par. 12. J. 6. and declared Superiours quoad the Entry of Vassals of the said Benefices Act 54. Par. 1. Sept. 1. Ch. 2.

When a Minister in June of Prelacy desired to give up his Charge, he made Resignation thereof to the Ordinary, that is to the Bishop. In the Year 1609 Prelacy was again abolished Act 3. Sept. Par. 8. & M. And in the 1690 Presbyterian Government reestablished Act 5. Sept. 2. Par. W. & M. and the Power of presenting Ministers by Patron, discharged: in lieu of which Privilege, a valuable Consideration was ~~granted~~ to be given to the Patrons that is 600 Marks payable by the Town Councils for Burghs, and Liferenters in Country Parishes according to their Valuations, two parts by Fletors and a third by Liferenters, deducting the Patrons own Proportion as an Fletor: besides the Patrons got a Right to Fithes not heretofore disposed Act 23. Sept. 2. Par. W. & M. of Parsonages and other Benefices Act 25. Sept. 4. *ibid.* whereof they were Patrons: with the Burden of the Ministers Stipends and other Incumbrances granted or to be granted, Erections of new Churches, and Provision to two Ministers in one Parish if the Commission think fit, provided the Beneficed Minister having a Cure, being in Possession of the Fithes continue so, until the Patron procure a just and reasonable Stipend to be modified and settled upon him by the Commission. Which Right given to Patrons is without Prejudice to any other separate Title they have or may have as records. It was found by the Lords of Commission (Set of Annum contra Riddel of that Eld and other Fletors of Stunam) that a Patron could not claim the Overplus of such Fithes, deducting the Proportion paid to the Minister: where the whole Stipend was not paid out of these Fithes, and also exceeded the Value of them. A Patron having in the Year 1628 assigned an Fletor to a Pack of his own Fithes, and to all other Right which he the Patron had or might have thereto in time coming: the Patron was found obliged to communicate not only Packs of Fithes and conventional Rights, but also his Right to the Fithes by this supervenient Law 3 December 1690 L. Mardice contra V. of Arbuthnot. Because 1<sup>o</sup> That was not the Case of a Supervenient Right dropping from the Lords, but the formal Constitution by Statute of an hereditary Title to the Fithes in Favour of the Patron, who had near the Equivalent materially and in Effect, by anticipating Packs from Grants presented by him, and the Title of Presentation expressed by bearing Objection to the Fithes implied the Cedent's Pretence. Nor is the Case of a conjunct