

under the benign Countenance and Influence of secular powers: Churches were built by Converts for the preaching thereof and for divine Service, more or less magnificent, according to the different Degrees of Church-men that were designed for, and also endowed ~~with~~ proportionably with Lands and Possessions or Titles or with both. Cathedrals were built for Bishops, collegiate Churches for secular Canons, & sing. Mass in parish Churches for preaching Priests, and in wider Parishes Chapels for private Devotion. Chantries and Altarages were founded in cathedral and collegiate Churches for magnificence; besides many single Oratories up and down here and there. Patrons of parish Churches frequently annexed them with their Endowments, to cathedral and collegiate Churches thinking thereby to acquire a more splendid Degree of Merit; the Cure of which annexed Churches was supplied by Vicar Incumbents put in by the Chapters of the cathedral or collegiate Churches. There was such an Humour in Scotland for building Cathedrals, Monasteries and religious Houses; that, as one pleasantly observes, from the year 1100 when first the Kingdom was divided into distinct Bishopricks till the Reformation, the Voice of the Gospel could not be heard for the Noise of Hammers and Irons. King David commonly stillo St. Davids ~~as~~ ^{as} others in his magnificent Profusion upon such Religious Projects: whereby he so clipped the royal Revenue and impoverished his Successors that R. James the first of Scotland was ordinarily heard to say of him that he was a sore pain to the Crown.

2^o Benefices were either given in Title, or in commendam. He who had a Benefice in Title, called Titular (perhaps from the use custom of putting upon Altars or Churches, the Titles and Arms of those presented to them) had Right thereto as his own during his Life, with Power to grant Rights of it and dispose of the Rents. Such as had Benefices in commendam only, were called Commendators. These at first were only designed as Stewards and Overseers, to call for and receive the Rents until Titulars were provided; for which they were liable and answerable to the Court. But in Process of Time some of them turned Factors in rem suam and Titulars in Effect getting by the Influence of Nobles and Friendship at the Court of Rome Power to dispose upon the Benefice and the Profits thereof to their own Use during their Lifetime. Hence arose the Distinction of Commendams into temporary and perpetual. A temporary Commendam, or a void Benefice committed to the Care of one till it was conveniently supplied with a Titular to whom the Commendator behaved to account for the Rents might have been granted by the Bishop, because designed in Favour of the Church Garcia de Benef. Tom. 1. P. 4. C. 4. n. 8. See in X. Lib. 3. Tit. 5. n. 61

61. A perpetual Commendam, where the Commendator has Power to dispose of the Benefice in the same Manner as a Titular and to apply the Profits to his own Use during his Lifetime, could be conferred either by the Pope himself Garcia Ibi. See Ibi. with Respect to whom all Benefices are manualia as Baldus phrases it. In Reason for introducing such perpetual Commendams was partly, that the Pope might be able to complement his Favourite, with the Enjoyment of a Benefice under the Title of Commendator, who was incapable by the canon Law to hold the same as titular, partly that two incompatible Benefices might be bestowed upon one Person without violating the Canons; by making him Titular in the one and Commendator in the other, or by giving him both in perpetual Commendam. These perpetual Commendams were discharged in the Year 1466 Act. 3. Par. 3. 7. 3. The Rights of Commendators tho' with Consent of the Chapters, were only binding in our Law during the Standing of the Commendator's own Title. M. Kenzie Observ. in cl. Act. 3.

Benefices consisted of a Temporality and Spirituality. The Temporality was in Lands and other civil Rights and Possessions, which amounted to at least a fourth part of the Rent of Scotland. The dignified Clergy consisting of Bishops, Abbots and Priors had such Weight and Interest in the Government, by Reason of their vast Wealth and Possessions, that they were a third Estate of Parliament. They were Lords of Localities and had Bailiwick under them who judged in Causes civil and criminal within their Districts. Wherby some might have thought that Christ's Kingdom was of this World. The Grants of Lands to Churchmen were ennobled with Presence of honourable Witnesses, till the Reign of Malcolm and David, when Donations by Charter came to be common.

The Spirituality comprehended Livings, Churches, Manors, and glebs of Church men, and Titles. The Titles are computed to be more than a fourth part of the Rent of Scotland. So that more as half of the Rent of Scotland was possessed as Benefices and a considerable part of these consisted of Superiorities.

But albeit Ecclesiasticks had absolute Right to the Rents of their Benefices during their Incumbency, and as Patrons could in all necessary Acts of Administration; they could not put their Benefices in a worse Case, than they found them at their Entry, by changing the Vassal's Holding or otherways.

~~Benefices were not to be alienated without the Consent of the Chapters~~

Ed.