

it can as little hold. For 1<sup>o</sup> All who have Lands in a Parish are reckoned Parishioners, without Respect to their Residence, as to all parochial Burdens which are proportioned to every Heritor's Land in the Parish, and not to his Quality or to his Lands in other Parishes. 2<sup>o</sup> All the Lands of a Parish may perhaps belong to a foreign Heritor: would it not be then ridiculous, to impose the Burden of repairing the Church upon poor Tenants? And since Heritors who are outdwellers may not only come to the Church and reap spiritual Advantage by the Word and Sacraments, as their Tenants do in their State; but also may sit and vote in the parochial Meetings: 'tis highly reasonable that they bear a proportionable Burden with the other Heritors that reside there. But tho' I make no Distinction betwixt indwelling and outdwelling Heritors, those ought to be liable in the first Place, who have bought their own Titles as having most Advantage by the Benefice, whereas the Rents were once liable to these Reparations, M. Kerrie Observ. on Act 54. Par. 3. J. 6. All Heritors therefore, without Distinction of Indwellers or Outdwellers must stent, that is rate and assess themselves for repairing the Church. But the Patron or Promotor with the parsonage, Fithes, is bound to uphold the Quire; and to pay a Third of the Stent or Assessment imposed, where the Quire is not distinctly known from the rest of the Body of the Church 16 January 1663 Rebet of Swinton contra L. Wedderburn 29 Novemb. 1628 Kirk of Selkirk contra Stewart. If the Heritors refuse, being required by the Minister and Kirk-session, to meet and stent or rate themselves for repairing the Church, the Lords of Session will upon a Bill, grant Warrant to the Minister and Kirk-session, to stent them proportionably according to the Valuation of their Lands in that Parish, and thereupon issue forth Letters of Horning against the Heritors Act 54. Par. 3. J. 6. To the making of which Roll the Heritors must be warned or called. For Horning upon an Act of a Kirk-session for stent, was found null & exceptio<sup>n</sup>is the Parishioners not being cited nor consenting 23 June 1625 V. Stormont contra his Vassals. But a Charge against an Heritor for his Proportion of a Stent imposed for repairing of the Church, is the imposing of which he was cited, was sustained; albeit he was not present at the laying on of the Stent, Spotswood Pratt. Tit. Kirkmen and Kirkpatrimony.

Seats in the Church appointed for the Ease and Accomodation of the Parishioners, while hearing Sermon and joining in publick Worship, may, if built and repaired upon the common Expence of the Parish, be disposed of by the Kirk-session (as in England by the Ordinary) in Favour of parishioners according to their Ranks and Qualities Dege, Parson's Consuetud. Chap. 12. Seats which particular Heritors have built for their own Use, with

Consent

Consent of the Kirk-session, or which they have purchased a Right to by 40 Years Possession as Part and Pertinent of Lands, are at the Heritor's own Disposal. A Seat possessed as Part and Pertinent of Lands, goes to a Heir by Disposition of the whole Lands: but a partial Acquisition doth not carry a partial Interest in the Seat. Where the Lands and Seat are possessed by distinct Rights, the Seat requires to be specially disposed. Thus a Person who bought his Lands and Seat in the Church by distinct Rights having disposed his Lands with Parts and Pertinents to one, and afterwards the Seat to another: the Obtainer of the particular Right was preferred to the Seat: albeit the Disposer's Author and his Predecessors, had for many Years possessed that Seat as Part and Pertinent of the Land disposed 23 November 1698 Wilhison contra Lithgow. The Patron is privileged to have his Seat in the Quire. Thus 40 Years Possession of a Seat in the Quire of a Church, was found not sufficient to defend the Possessor, in a Remooring at the Instance of one desiring Right from the Patron, albeit the Seat had been built by the Possessor's Author and bore his Name and Arms. In Regard it was alleged, that the Pursuer not only paid a considerable Proportion of the Minister's Stipend, whereas the Defender paid none, and had no arable Land in the Parish: but also the Pursuer's Author was Patron of the Church, and as Superior of the Parish had obtained Certification in an Improbation against all Rights to the Church or Lands. And whatever Title the Name and Arms upon the Seat might give to the Timberworth of it they cannot affect the Area of the Quire, which is the Patron's Property. Binning contra Young and Jouffry. In Burghs royal, the Town-council have the disposal of Seats in the Church.

Heritors are bound to pay for and are stated in the Property of the Bells Books Utensils and Ornaments of the Church. But the Minister and Kirk-session, to whose Custody these are committed, may pursue for Recovery of any of them that are abstracted or taken away. A Charge for Payment of a Stent imposed for buying of a Bell within a royal Burgh, was sustained against the Landwart Heritors, and even against such of them as did expressly oppose the Stenting; albeit the Burghers and Indwellers would have more Advantage by the Bells. But the titular and those having Right to the Fithes, were found not liable to a Third of the Burden, as in Reparation of the Church 15 Feb. 1692 Parish of Innerkithing contra Auldoy Retsyth. Ministers their Heirs and Executors are answerable to the Parish, for the Utensils of the Church viz. the Belfry and