

To be here by 1814.

more Interest therein than other Patrons, and therefore were allowed to dispose of them for the Intertainment of Bachelors in Colleges, without Regard to the Uses they were originally destined to by the particular Foundations Act 12. Par. i. Act 150. Par. i. Act 54. Par. i. Ch. 2. For these being unlawful in a protestant Country, and the Education of Youth, a Matter of general Concern, being at that Time very much obstructed thro the Avarice of Parents: it was judged most expedient to invade Patrons of those Kind of Benefices, to present Bachelors to them one after another who might have Right to the whole Fruits and Profits thereof whether consisting of Property or Superiority, during their Time. So that these Benefices were not annexed to the Crown; and suppressed only in so far as concerned the superstitious Offices of Religion therein performed. But in Regard these Bachelors so made situate cannot be infertile, nor the Vapors of their Benefices know them from any Register whereby the Vapors were put to a great Uncertainty about their Superiority, their Entry upon Records and Precepts of close contract, or upon Resignation and singular Writs by the Laic Patron, holding immediate from the King, whose Inseparability stands upon Record; was declared as valid, as if they were entered by the Titulars, without the necessity of any Consent from the Titulars or others d. Act 54. Par. i. Sect. i. Ch. 2. But the Patron as presumptive Superior, cannot pursue Resignations, nor claim Liferentment; all which fall and belong to the Titular the true Superior, unless the Vapors (not shew who is the true Superior. McKenzie Observ. on d. Act 54. And the Law (Act 54.) being only special as to the case of Patronages holden of the King, by Infeffment, it doth not take place in Patronages by Provision; and not by Infeffment. V. g. Lands being mortgaged to maintain a Chaplain, at St. Mary's Altar in the Church of Dunfermling, with this provision that the Forfeiter and his Heirs, Heirs and assigns present the Chaplain, and the Lands being afterwards seized and of new again disposed of it was the Opinion of the Lord Hielton (Doubtless Altarage) the Purchaser behav'd to be entered by the Chaplain as Superior; and if there was none, a Chaplain should be presented for that Purpose.

Tithes were not annexed to the Crown with the Temporality of Benefices in the Year 1507 Act 29. Par. ii. J. 6. It confests there is a Clause in a subsequent Law (Act 109 Par. B. J. 6) bearing the Tithes of the Bishopric of Dunfermling to be annexed to the Crown, according to the Tenor of the Act of Annexation 1507 which by all Tithes of the remanent Church Lands and Prelacies of the Kingdom are annexed. But that Clause is not authentick, and seems to be inscribed thro Mistake; McKenzie Observ. on Act 29. Par. iii. J. 6. By the said Act of Annexation (d. Act 29) when Stock and Tithes were feued together for a common Duty, some Parts belonged to the King as Temporality, and a tenth to the Church as Spirituality in Contem-
-plate of the Tyth.

Much of the Temporality and also of the Spirituality was before and after the general Annexation erected into Lordships and Baronies and bestowed on his Majesty's Favourites, hence called Lords of Erection. These Erections were ratified in Parliament and H. James promised in verbo principis never to quarrel them Act 109. Par. id. J. 6.

But

But Bishops Lands were never created, but ordained to be disposed of as actual Ministers and Preachers Act 231 Par. 15. J. 6. for that the King resolved to establish Episcopacy.

King Charles the first at his coming to the Throne, being sensible of the great Addition that might have been made to the Crown Revenue, by the suppression of popish Benefices had not his Father rashly gifted them away: he in the Year 1625 the first of his Reign by Advice of Sir Thomas Hope (who was now Kings Advocate upon his undertaking to bring all those Estates back to the Crown) strongly attack'd the Erections with a Revocation, the most ample that ever was made of all Deeds done to the prejudice of the Crown, particularly of all Erections of Church Lands, Tithes, Patronages and Acts of Parliament ratifying the same. Erections granted before the Annexation, proceeding upon Resignation of the ecclesiastical Titulars, were quarrelled upon the following grounds. 1^o These Tithes being in the Liferentment, Resignations by them in favour, or in all Resignations were null. 2^o The King being only Patron, and not Superior had no Power to accept such Resignations, but only to present a new Titular. And as his Majesty could not during a Vacancy of these Benefices, have erected them directly into temporal Baronies quia Sede vacante nihil innovandum; neither could that be done indirectly, upon the Titular's Resignation. 3^o Alienations or Rights of Benefices granted by Churchmen to the great prejudice of their Successors; or whereby the Benefice is put in a worse State, than at the Titular's Entry, are null. 4^o All Lands unjustly taken from the Church should be restored, and the King by his Coronation Oath was bound to maintain the Rights and Liberties of it. 5^o The Tithes of all Benefices were to have been employed for Ministers Stipends, till the Church came to the full possession of its Patrimony of the Tithes. Erections made after the Annexation were impugned upon this Topick, that the annexed Property could not be disposed without a previous Dissolution in Parliament. And his Majesty might reduce Alienations made by his Predecessors, to the enorm Leshon of the Crown; Kings in that Case being always considered as Minors, and the Parliament in Place of Tutors to them.

This Revocation made a great Noise, and was thought to have partly occasioned the Troubles that followed in that Princes Reign. All the Possessors of Churchlands and Tithes grudg'd at it. The King called up some of the dissenting Lords to a Conference at London, where they answered unanimously, that his Majesty's Father &c. having bestowed on them and their Predecessors, Monastries and Tithes, when there was no Money to reward their good Services; these could not in Law be taken from them. But the King persisting in his Resolve to have them either to resign their Superiorities of Church Lands referring themselves to his royal County for a Recompence, and to part with their Rights to other Men's Tithes, for a reasonable Price to be paid by the Heritors; or else they should have a Trial at Law for it: these Peers thought fit to gratifie his Majesty, by complying as to their Part. But he being afterwards inform'd that others were unwilling to go into his Terms, in August 1626 a Summons of

Reduction