

=rent. Some Pensions have Relation to a particular Subject or Fund of Pay-  
ment, others are constituted indefinitely, without any such Respect. Some again  
are Ecclesiastical, and some are Secular.

An Ecclesiastical Pension, is that which is granted by a Churchman  
payable out of his Benefice. Which should be special as to the Tenants, Nam.  
and Duties M. Kenzie observ. on Stat. 29. Par. 11. f. 6. The Right whereof  
being completed by Possession or a Decree conform in the Granters Life-  
time, is effectual against Successors in Office Stat. Lib. 2. Tit. 5. s. 16. Thus  
a Pension granted by a Bishop with assent or to a sign etiam in articulo  
mortis, was sustained in Favour of an Assigny after the first Pensioners  
Death against the succeeding Bishop 23 July 1625 Minister of Kirkcaldy  
contra White-law. Albert Sir James Stewart (Answers to Direct Doubts  
Tit. Bishop's Debts) is not clear, that a Bishop can grant a Pension really  
affecting the Lands or Tithes of the Bishoprick. But such a Pension  
was not sustained in Favour of the Assigny where neither the Assignation  
was intimated, nor Possession by him attained before the Cedents Death.  
29 June 1622 Bishop Aberdeen contra Tenants and Drumlanrig's Son.  
Ecclesiastical Pensions authorized by Decrees or Possession, were not  
brought under the general Annexation 1587 Act. 29. Par. 11. f. 6. And  
those granted out of Prelacies not authorized by Decrees or Possession in  
the Prelates Life and before the Annexation were null Act 1587 Par. 12.  
f. 6. But Possession of a Part of a Pension, tho' only for a Term before  
that Annexation was found relevant to sustain the whole 17 Decemb. 1628  
Chalmers contra L. Craigivar. And Assignation to a Pension was sustained,  
albeit the Cedent died in Possession: In the said the Assignation was intimated  
by a Summons before his Death 20 Feb. 1628 Madul contra Mathers. A  
Pensioner cum potestate transferendi, having granted Assignation reserving  
his own Liferent, or to take Effect after his Death, the Assignation was declared  
null by Way of Exception even after a Decree conform: In Regard the Assigny  
Entry was conferred in tempus inscriptionis, and the Cedent remained still in  
Possession 17 Decemb. 1628 Chalmers contra L. Craigivar. For duns et reti-  
=hend nihil sat. An Ecclesiastical Pension perfected by Possession or a De-  
=cree conform in the Granters Life, is good against his Successors in Office  
without any Decree of Transference 7 Decemb. 1630 E. Corriett contra  
D. Lennox Stat. Lib. 2. Tit. 5. s. 17. By the Canon Law Pensions affecting Bene-  
=fices of live extinguish their mortis gravitas, that they may not lie as a discouragement  
burden upon the next Inheritor. With us Bishops could not burden their Benefices  
with Pensions for a longer Time than their Right lasted, that the Successors  
might not suffer Prejudice by their Decd Stat. 3. Par. 18. f. 6. But Liferent  
Pensions granted by Beneficed Persons are due not only during their Life  
but

but ~~discontinued~~ also after their Decese out of their Ann 28 Feb. 1628  
Bairns of Bishop of Galloway contra Lawper. Whence Ecclesiastical Pensions  
had their Rise, is not so very clear. They seem to have been introduced  
at first as a Mean of Subsistence to incumbents, who thro' Sickness or  
Infirmity of Age were turned unable to officiate. For such were allow-  
ed to resign their Benefices, reserving to themselves Pensions out of them  
as they might live upon suitably to their former Character. But Church-  
men afterwards becoming more degenerate, and Benefices turning Bar-  
=chandise, Assignations and Pensions upon more trivial Reasons were  
sustained. When two Benefices were exchanged, the greater or better Bene-  
=fice was endowed with a Pension in Favour of the lesser & equal ma-  
=ke them equal. If the Right to a Benefice was controverted, it was usual  
=to compound the Matter by imposing a Pension upon the Benefice in  
Favour of the Compeller for yielding up his Pretensions to it. The Pope  
that great Usurper of Ecclesiastical Rights, pretending to the sole Power of  
=wardening Benefices with Pensions, he exercised it so frequently, as to  
=wardly in Favour of such as gave him Money, that the increasing of Simo-  
=niale Pensions turned a grievance more intolerable. For Remedy  
whereof R. James the first reserved to himself the Cognizance of  
Pensions granted at Rome Stat. 1. Par. 1. f. 4. In the Division of the Black  
=Act. And no Pension out of any Benefice should be purchased without  
Consent of the Bishop Stat. 4. Par. 1. f. 3.

Secular Pensions are granted either by the Sovereign's Gift under  
the privy Seal and payable out of the Exchequer, somewhat resembling  
Funda de Camera in the Feudal Law, or they are constituted by Subjects.  
Royal Gifts of Pension are not arrestable in the Hands of the Treasurer  
or Receivers of the Revenue: Because they are alimentary, and his Ma-  
=jesty's Service might otherwise be obstructed Stat. 6 June 1713  
Stat. Lib. 2. Tit. 5. s. 18. If Pensions granted by the King be registered in  
Exchequer, the only Remedy in such a Case to the Donatory is Moyer and  
=patience, Stewart Charters & Direct Doubts Tit. Pensions granted by the King.  
Pensions are granted by Subjects either in their personal Bonds, or in  
hereditary Bonds payable out of the Rents of their Lands, Tithes, coal pits  
or other Effects, as Corn Wine &c. not unlike to Funda or Camera men-  
=tioned by the Feudists; Camera being a Storehouse or Repository of such  
Things so called perhaps from the Latin cava or caverna, for that they  
=used to be kept in subterraneous caves or Cellars. Such Pensions without  
=vestment, are but of the Nature of Assignations procuring personal Action  
against the Grantor and his Heirs, and ineffectual against singular Success-  
=ors 9 July 1629 Urchquart contra E. Cathers 11 Decemb. 1662 Clapperton  
=contra Lady Donem. Or against the Force of the Constituent's Act 27  
=March 1634 Lady Dunfermling contra E. Dunfermling. A Pensioner  
=needs not to cite his Author the Grantor of the Pension, to the obtaining