

Feb. 1.

## The Modelling of Stipends to Ministers.

Ministers in parished Churches after the Reformation had provisions Modified to them by a Commission granted the Parliament out of the hands of the Lords of Spiritual Benefices. Which Commissioners of Parliament were Named by the King and sat Yearly at Edinburgh in November till Prelacy was Restored Anno 1660. Here after Stipends were Modified and Allocated to Ministers out of the Tithes, by temporary Commission of Parliament, till the Year 1707 when the Lords of Session were Made Constant Commissioners for that Effect. Sometimes the Commission only Modified a Minister's Stipend i.e. Determines the Quantity, which is Called a Decret of Modifications some times they not only Modified but also Divided upon the Stipend among the Rectors, which is termed a Decret of Abatement.

The Commission Modified for a Stipend to a Minister in a Country parish, at least 800 Merks or 8 Pounds of Victual, except those be particular Reasons for going the low that proportion, but 8 Parls. (Ch.) as where there is not so much free tithes in the parish, or where the benefice are foreign Decretis Inquis, Modis sic. offere. on d. Act 6. But the Commission is not Restrain'd from Exceeding that proportion where there is a great Charge and much free tithes. 27 Feb. 1666 Thores contra his Paritioners. These Eight Chapters of Victual are Accorded by the Quorum of Bishops, and not by the value 20 Feb. 1643. Ministers in Monial Churches under Episcopacy, had no Right to Claim such Modifications or Localities, but belov'd to Content them selves with what their Bishops pleas'd to settle upon them for a mean of Subsistence. But now while Presbyterian Government sways, all Ministers are upon the same foot of provision, and have the like Claim to the legal Quota of Eight Chapters of Victual or Eight Hundred Merks out of the free tithes of the parishes where they serve, if it can be had. Where the tithes of a parish are Exhausted, the Minister us'd to be provided out of the free tithes of an adjacent parish, where of the Minister is already sufficiently provided. There can be no Stipend Modified for the Minister in a new Church appointed to be Erected in a parish, till the Church is built, and an Actial Minister presented to it; 17 July 1643. Where

the tithes of lands disjointed from one parish and annexed to another, were a part of the Stipend of the Minister of the former parish those tithes Accrue to the incumbent of that parish to which the Annexation is Made, and the others less is supplied out of the Remaining free tithes of his own parish 20 Feb. 1643. 7 Feb. 1666 Fogo contra his Paritioners 28 July 1669 Pringle contra But if those be Exhausted the Land Diffused must pay to the former Minister as before 19 Feb. 1662 E. Kinghorn contra Walker tho' quoad unum Animum they be within another parish. Voluntary Contracts for a Modified Stipend are some times Entred into by the Minister, and those having right to the tithes of the parish, which they offer to the Commission in order to be Ratified. But then an Agreement made with the Minister, where by he Accords a Certain quantity of Stipend in satisfaction of all that he could Claim either for personage or Vicarage Tithes, was found not to Debar him from seeking an Augmentation; for that he could not proceed without Successors in office 21 Feb. 1666 Thores contra his Paritioners. Beside the Minister Stipend those is ordinarily a Certain sum Modified for Commission Elements, which is Made more or less according to the Extent of the parish and Number of Communicants therein, but seldom Exceeds 800 Merks, so much for Modifications; if proceed to Localities of Ministers Stipends.

The order observed in Imposing of a Ministers Stipend or Augmentation on the parish is this: First there is any free tithes in the secular hand, he is oblig'd to Relieve the Rectors who have bought their own tithes from part of their proportion of the Ministers provision; tho' a laic man having right to other mens tithes would not find himself oblig'd to any such Relief; 27 January 1655 E. Mare contra N. Rankine. The Rectors having called God that there was free tithes in the secular hand, and the secular Denied that he had any, the Lords Resolv'd to the Rectors Action of Relief against the secular as Accorded 29 July 1668 Duncan contra C. Calderhill & other Paritioners. Nor are laic men of their own tithes liable so long as the secular hath free tithes of other mens lands. And is proved, 8 Feb. 1643 tho' the task duty paid to the secular must go to the Minister pro portion.