

arising from the consideration of the onerous cause, or when only a particular Right, or any little the Disponent actually hath at the time is made over: but where the accruing of future Rights was expressly in View. 2^d These future Rights shoud mainly to be understood of such as fell to the Patron by a supervening Law: because the Acts against Dilapidation of Benefices stood in the Patron's way to hinder him from obtaining with it a publick Law, any other than such of Gifts belonging to a Churchman. And seeing the Parties had unknown Events under their consideration, there is no Doubt, but had the Patron acquired Rights to the Gifted by Succession to some remote Relation, or by the voluntary Deed of some pretender, such an Acquisition would have come under the Designation, which yet is casual and could be as little foreseen as the foreaid Law. Patrons had not the free Disposal of vacant Stipends: but there were sometimes applied by the Parliament to pious Uses Act 23 Sep. 2. Par. W & M. Some times by the Synod, with Consent of the Clergy Act 24 Sep. 2. Par. W & M. And Weather: vacant Churches on the North side of the River Forth were allowed for their Breaching each Lord's Day Twenty Marks out of the vacant Stipends of the said Churches Act 15. Sep. 5. Act 13. Sep. 6. Par. H. W.

The Right of Presentation to Churches is now restored to such Patrons as had not renounced their Right for Money received from the Clergy or Life-rentors &c. in Satisfaction thereof. Who must at their signing Presentation take and subscribe the Oath enjoined by the Act 6. Anno. if they have not taken it before, and if suspected of Popery must also take and sign the form contained in the third Act of the 3 & 4 Sep. of K. William's Parliament: and upon their Refusal or Neglect to do so, the Right of Presentation for that Vicar, falls to the Crown, who may present any qualified Person within Six Months after such Neglect or Refusal. The Right of disposing of vacant Stipends for pious Uses within the Parish, is also restored to Patrons, without the Burdens imposed upon these vacant Stipends by the Act 15. Sep. 5. & Act 13. Sep. 6. of K. William's Parliament for encouraging and in Favour of Preachers at vacant Churches to North the River of Forth both which Acts are repealed and made void 10 Anne cap. 12. But the Patrons be again restored to the Right of Presentation to Churches, the Right to Tithe of Benefices not heretofore disposed formerly given to them as an additional Recompence for the taking away of the said Right of Presentation still remains with the Patrons.

The Patronages which belonged to Bishops or other dignified Persons in the Year 1609 before Episcopacy was abolished are now in his Majesty's Person who may present by Virtue thereof Act 3. Sep. 1. Par. W & M. junct. 10. A. cap. 12. & 4. The King is also Patron of all the common Churches of the episcopal Chapters, except such as were disposed by his royal Predecessor to private Persons. And the Bishops were not Patrons of their own men-oral Churches his Majesty is and do present to these.

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In Presbyterian Church-Government, there are only three Orders of Ecclesiasticks, viz. Ministers ruling Elders and Deacons.

Ministers are called Incumbents, from the Latin incumbo to apply earnestly to a thing: because Law intends them to reside in their Benefices Coh. 1. Inst. 119. 6. Their Office is, to preach, administer the Sacraments, catechise, pronounce Church censures, ordain ruling Elders and Deacons, assist at the Imposition of Hands on other Ministers at their Ordination, and to moderate or preside in Ecclesiastical judicatures. Episcopal Ministers were discharged to baptize or marrie Persons, upon pain of perpetual imprisonment or Banishment Act 12. Sep. 5. Par. H. W. But now that Law is repealed, and Episcopal Ministers qualified to the civil government, are allowed to have Congregations any where except in Churches, and may pray preach administer the Sacrament and solemnize Marriage without incurring any Penalty 10. A. cap. 7.

Ministers are settled in their Livings thus. Where a vacant Church has no Patron, a Probationer that is, one licensed to preach, may be ordained and admitted Minister thereof by the Presbytrie upon a Call from the Clergy and Elders of the Kirk-Session in a Country Parish, or from the Magistrates Clergy and Elders within a Burgh. This Call or Invitation to be their Pastor, answers to the vocatio pastoris in the reformed Churches of Germany Carpxov. jurispr. consist. lib. 1. def. 27. and is voted and signed by Warrant of the Presbytrie. Upon Report whereof to the Presbytrie, they, if pleased with the Call, and the Probationer be within their Bounds, acquaint him as soon as possible, and upon his Acceptance, put him to a Trial of his Learning. If he be within the Jurisdiction of another Presbytrie they write or send one of their number with the Parish Commissioners to that Presbytrie, desiring their Concurrence in offering the Call to him, and enjoining him to repair to them and submit to a Trial. The Presbytrie upon his satisfying them in the Trial, give forth an Edict i.e. an Order, that all who can object against him appear before them to make good their Allegations. If no Objection be made, or nothing of Weight objected, a Day is appointed for his Ordination. Upon which Day after Sermon concerning the Nature and Dignity of the ministerial Office, the Moderator examines the Person called, of his Faith, and Affent to the Doctrine and Discipline of the Church, of his Motives of coming into the Ministry, and whether by any indirect Means he obtained that Call, concerning his Resolution to do his Duty faithfully in that Station, and to obey the several judicatures of the Church in the Lord. After he answers to the Moderator's Satisfaction, the Moderator praying and other Ministers present ordain him Minister of the Gospel, and Pastor of that Congregation, by laying their Hands upon his Head. When Prayer is ended, the Moderator and the other Ministers give unto the Intraut the right Hand of Fellowship. Then the Elders Clergy and chief Parishoners take their Minister by the Hand in Token or Testimony of their Acceptance of him. When a Call of an ordained Minister in some other Parish is reported to the Presbytrie and found Merit, the Moderator delivers the Call with the

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