

the Reason thereof to the Minister sought to be transported if present and summons him *apud acta* upon 15 Days Warning, to appear at a certain Day before the Presbytrie; and if he be absent, orders their officers to deliver to him an attested Double of the Call, with the Reasons thereof, and to cite him personally or at his dwelling House, and his Parishoners accordingly at the Parish Church upon a Sabbath immediately after the Forenoon Service, to appear before the Presbytrie the Day aforesaid in order to transporting the said Minister to the Parish he is called to. Upon the Day previous the Presbytrie if after hearing of Parties, they find the Transportation to be for the good and Advantage of the Church, do by their Act transport the Minister called from his present Church, and appoint one of their Members to declare the Church vacant upon a certain Sabbath Day. The Presbytrie, if the Minister called be within the Bounds of another Presbytrie, write or send one of their Members with the parish Commissioners to desire the Concurrence of that other Presbytrie by offering the Call, transporting him and declaring his Church vacant. Which Presbytrie, if they agree to this, do by their Act transport him, declare his Church vacant in Manner aforesaid and appoint him to obey the Orders of the Presbytrie where the Charge lies to which he is transported. When a Minister is transported, the Presbytrie of the Bounds to which he is transported, appoint his Edict to be served on a Sabbath Day, and thereafter fix a Day for his Admission upon which Day after a suitable Sermon, the Moderator asks him, 1^o If he doth adhere unto and promise in the Lord's Strength, to perform his ordinary Engagements? 2^o If he hath had any indirect Hand in his own Transportation or Admission to this Parish? 3^o If he doth now accept of the Charge of this Parish, and promise through the Lord's Assistance to discharge all the Parts of the Ministerial Function among them faithfully? Upon his answering to the first and last of these Questions affirmatively, and to the second negative, the Moderator recommends the Nominee to the People by prayer, and admit receive and appoint him to be their Minister, whom after prayer they take by the Hand as such. The Clerk of the Presbytrie, upon a probationer's being ordained and admitted Minister to a Congregation extracts an Act of Ordination and Admission; and upon an ordained Minister's being admitted Pastor to another Congregation, an Act of Admission. Which Act serves in lieu of Presentation Collation and Institution, and gives a legal Title to the Benefice.

If the vacant Church has a Patron, a pastor is ordained and admitted therein upon a Presentation from the Patron made to the Presbytrie. If, to refuse him or refused to the Party presented, the Patron may appeal to the Synod and from them failing to answer his Expectation to the General Assembly. Stat. Just. lib. 2. tit. 8. s. 35. yea of late, a Patron dissatisfied with the Determination of the Assembly, entered an Appeal against it to the Lord's Spiritual and Temporal in Parliament assembled, and got the Sentence of the Assembly reversed.

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By the Canon Law, if a Lay Patron present an unworthy Person, he may pitch upon another; but an Ecclesiastic by so doing forfeits his Right for that Bout, and is not suffered to accumulate Presentation upon Presentation, Ignorance being not excusable in him as in a Layman. *Benignus de benef. ad verb. cum suo rectori c. 4. part. 1. s. 7. n. 10. D'Episcopus de benef. Ecles. tom. 4. tit. 3. n. 14 & 15. Garcia de benef. tom. 1. p. 5. cap. 9. n. 211.* And that was the Reason for allowing a longer Time to Ecclesiastics than to Laymen to present in *Zoes ad lit. de jure patroni. n. 45.* But as our Law hath appointed the same Time of Six Months for presenting to Patrons whether Ecclesiastical or Lay. Act 7. Par. 1. s. 6. So it allows any Patron to alter his Presentation, and one being found unfit to name another, and that as oft as the persons presented are rejected: so be all the Presentations are within the legal Space. *McKenzie Observ. on d. act. 7.*

If those who have Power to call, or the Patron who has Right to present, do it not within Six Months after the Vacancy, the Presbytrie may plant the Curial jure *deoluta* Act 23. Sept. 2. Par. IV. & III. Junct. 10. A. cap. 12. s. 5. But one Presentation within Six Months, doth not so interrupt, as that he the Patron may present again within other Six Months or so long Time as Law appointed for presenting at first. *McKenzie ibid.* unless those intitled to the Right of Lapse, do hinder the presented Person's Admission who cannot pretend to any Benefit by their own Fault. *McKenzie ibid.* Therefore where a Patron presents a person not qualified to the Government or who is part of of any Church, or one who shall not accept of the Presentation within the course of Time allowed to the Patron for presenting, such Presentation is not to be accounted as Interruption of the said Time, but the jure *deolutum* takes place as if no such Presentation had been offered 5. g.

1. cap. 29. s. 1. According to the Ecclesiastical Law of England, where the Abundance of a Benefice is 1. By the Canon Law the Right of Patronage transit *cum universitate* unless it be specially excepted. *c. ex literis 7. X. de jure patroni.* But it cannot be separately sold, *c. quia clerici 6. c. de jure 16. X. eod.* as being spiritualitate *annexum*, and not in commercio. Nay some Canonists are so nice and squeamish in the Matter, that they'll not allow Lands to be sold any thing dearer upon the Account of annexed Patronage *Zoes ad lit. de jure patroni.* with us Patronages are bought and sold in the same Manner as any other Right. Sometimes they are transmitted as annexed to Lands in Charters of Burghs, Barons or Lordships. Which in the Law of England are termed *Avoufours* appendant to Mannors. Sometimes Patronage is transmitted by a distinct or separate Right: which the Law of England calls an *Avoufou in gross.* Where Patronage is annexed in the same Charter with Land it is tacitly carried by an ordinary Disposition of the Lands. *D'Episcopus tom. 4. tit. 3. n. 17. Craig Feud. lib.*