

lib. 2. tit. 8. §. 22. Unless it be therein specially excepted. And seisin of the Lands, is sufficient without necessity to take special seisin of the Patronage as petty customs in the like case, may be constitute by a Charter without seisin 5 July 1632 Sheriff of For-
rest contra Town of Selkirk Unannexed Patronage is not conveyed as Portenants, by an ordinary Disposition of the Patron's Lands. But the Disposition of a Barony or Benefice which are nomina uni-
versitatis do carry Patronage as well as Mills or Salmon fishing. Such Patronage constitute by it self, passeth without Infeudment as jus incorporale Stat lib. 2. tit. 8. §. 35. Yea, not only is a Right of Patronage transmissible by Disposition, without Infeudment: but also it was found, that a Person whose favour one was ordained by a Decree Arbitral to dispose such a Right might effectually authorise by his Consent as Patron, the Deed of an Incumbent: so as his suc-
cessor in Office could not justly quarrell the same 6 July 1666 Person of Murrum contra Lairds of Beirford and Beinstoun. This Decision seemed hard to Mr John Kirket, because none can effectually consent as Patron, who cannot present; and the Patronage might have been comprised from or disposed by him, who was ordained to denude, to another before Obedience given; and that other as having the more formal and complete Right, would have been preferred. But there being no such competition it was not thought competent to a Minister, to reduce a Right granted by his Predecessor upon that ground. A Right of Patronage by the Foundation, being provided to one, and not to him and his assigns, with a Quality, that he failing to present within a certain time another might exercise the privilege; the Patron institute may dispose the Patronage or it may be adjudged from him notwithstanding the Substitution; yet still so as if the singular Successor do not timely present in the Terms of the Foundation, the Substitute may.
An Objection against a Minister's nomination as null, for want of a Presentation from the Patron, is not competent to be made by the Clerics summarily in a Process at the Minister's Instance against them for Payment of his Stipend; but only by way of Reduction at the Patron's Instance wherein the Presbytery should be called for their factorat 14 Feb. & 18 June 1714 McBurn contra McKenzie and others.

A Minister has Right to the whole Year's Stipend if he enter before Whitsunday; and to the half if his Entry be after Whitsunday and before Michaelmas 24 July 1662. Weyms contra Cunningham Stat lib. 2. tit. 8. §. 33. But if he enter after Michaelmas, he gets no Part of that Year's Stipend 9 July 1663 Kirkaldy contra Balcan-
= quit

= quit and Heritors of Grant.

Ministers with us are either maintained ^{out} of the Tithes of their Pa-
= rishes, or are simple Stipendiaries. The former again are either left to the provision of the common Law, or are provided by Decrees of the Commission.

By Ministers whom only the common Law provides, I mean such as are in Possession of Benefices by Virtue of the parochial Title, who have the same Right to the Tithes of their respective Parishes, as the popish Ecclesiasticks had before the Reformation. Benefit of a possession, ^{indis-} ^{pendent} is competent to them upon Seven years quiet Possession without any other Title 25 November 1665 Peter contra Mitchellson contra 18 July 1671 E. Hume contra L. Ryslaw 6 December 1672 Veatch contra Weatherlie and 13 Years Possession is a presumptive Title to such Hope Improbation, Bishop of Galloway contra Prebendaries of the Chappel Royal. But now Patrons have got the Right of Rever-
= sion of these Benefices, by whom they are redeemable from the In-
cumbents upon their getting competent Stipends modified by Law Act 23.

Sep. 2. Act 25. Sep. 4. For W. & M.

Ministers whose Stipends are established by Decrees of the Commission, have either Modifications only, or Modifications and Localities.

When a Minister's Stipend is only modified, it affects the whole Tithes out of which it is modified; and may be exacted from any Intrometter whose Tithes will go so far, or so much out according to their Extent 6 July 1625 Norton contra Scot 3 December 1664 Hutcheson contra E. Caples or from an Appriſer who might have intromitted 20 December 1622 Preston contra Minister of

Seeing if he was debarr'd by any other who intromitted, he had by Virtue of his Right a competent Action of Spuilzie against the Intromitters. Nor was a Minister's accepting a Precept not expressly in Satisfaction, found to liberate the Heritors, ex-
= cept for what was received by Virtue thereof 9 November 1677 Ruther-
ford contra Murray. Yea modified Stipend may be required even from Tenants paying a joint Duty to their Master for Stock and Tithes 19 Feb. 1629 Kirk contra Gilechrist. and what's yet more, the Duty of a Back-Sack set by a Wadsetter of Stock and Tithes for his Annuelment only, was not exempted from the Minister's Pretensions 21 March 1633 Keith contra Gray and Carmichael. But when an Heritor discharges a
= proportionable Part of the Tithes in the parish.
When the Tithes of certain Lands are allocated for Payment of the Minister's Stipend, he has no Title to any Tithes without the Bound of his Locality arg. decis. 19 January E. Athole contra Robertson.

Stat.