If a Minister's Title to his Church and Stipend was extinguished either of the Ways aforesaid before Whitsunday, no Part of that Year's Stipend belonges to him 18 June 1629 Smeton contra the Relict of the Minister of St. Bothans 2 December 1671 White contra Parishioners of Symington in Lanarkshire. But if the Vacancy happen after the Corn is generil: if after that Term, and before Michaelmess, he gets the Half 18 January 1676 College of Aberdeen contra Rectors of Rathen and if after Michaelmess the whole Year's Stipend viz: from January to January. The Reason why Whitsunday and Michaelmess, and not Whitsunday and Martinmess are made the Terms of Ministers Stipends, is because these being payable out of Tithes, or some Kind come in place of them; the Sowing is ended at Whitsunday, and the Corns are separated from the ground at Michaelmess.

In Case of a Minister's Death, his Widow, Children or nearest of Kin, get half a Year's Stipend over and above what was due to the deceased, called the Mortuary Act 13. Par. 2. Sess. 3. Ch. 2. The same as the annus gratiæ in Saxony. Carpzov. jurisprud. Forens. part 2. const. 5. def. 9. Which from the Example of the Saxon reformed Church, K. James the Sixth in the year 1613 introduced here by a Letter to the General Assembly ratified by them. For the Laws of Saxony (by Reason of their universal Equity Simplicity and Agreeableness to the Humors of the People) have diffused themselves thro' most of the Northern Parts of Christendom. vid. Rodenburch de jure conjug. in præliminar. pag. 179 et segg. This Ann is equally divided betweer the Relict and the Children extant at the Time of the Minister's Decease secundum capita Carpzov. jurisprud. forens. part 2. const. 5. def 12. And failing Children, betwixt her and the other nearest of Kin 22 January 1679 Spence and Clerk contra Craig 24 June 1663 & 19 July 1664 Forsyth contra Executors of Murray. If the Relict die before Payment, her Share goes to her nearest of Kin. But the Wife and her Executors have no Interest in this Ann except she survive her Husband, tho it were but one Day or one Hour. If there be neither a Widow nor Children, it belongs to the nearest of Kin of the deceased Minister 6 July 1665 Colvil contra L. Balmerinoch. An Ann is due not only to the Wives Bairns or nearest of Kin of Ministers deceased, whose Stipends are payable out of the Tithes; but also to the nearest of Kin of Stipendiary Ministers within Burgh 8 Feb. 1709 Shiels contra Magistrates of St. Andrews. But an Ann is only due to the Wives and Children or nearest of Kin of Ministers who died Incumbents, and not to those of Ministers who had voluntarily resigned their Charge M'Kenzie Observ. on Act 4. Par. 3. 2. M. Sir Robert Spotswood Pract. 1st. Kirkman says there is no Ann of a Glebe. But this Assertion is too general. For the Ann extends to the Rent of the Glebe if there be no new Intrant 19 July 1664 [illegible] contra [illegible] Stair ibid. But if there be an Intrant both Manse and Glebe, and neither of them fall under the Ann eod. die inter eosdem 6 July 1665 Colvil contra L. Balmerinoch. Unless the Glebe was sown by the deceased, and the Crop upon the Ground at the Incumbent's Entry; in which Case that Crop will belong to the deceased Spotswood ibid. 6 July 1665 Colvil contra L. Balmerinoch. The Ann needs no

no Confirmation 26 July 1661 Ker contra Parishioners of Carriden 16 July 1673 Ker contra Parishioners of Monimside. So that the Act 13. Par. 2. Sess. 3. Ch. 2. is improperly worded, when it appoints the Ann to belong to the Minister's Executors, without Necessity of Confirmation: seeing it belongs to his Wife and nearest of Kin tho they be not named or confirmed Executors. The Minister cannot dispose of it to Strangers, nor can his Creditors affect it Carpzov. ibid. def. 10. M'Kenzie instit. lib. 1. tit. 5. §. 16. For it never belonged to him, but is only a Gratuity the Law indulges ex gratia to his nearest Friends, upon the Account that Clergymen are not supposed to die rich. In the like manner a Minister's Widow hath not only Right to the Annus Gratiæ but is also allowed a Mourning for her Husband and a yearly Pension for her Life. Sub 3. 51 mo. 2do. Act 2 Sess. 3 Par. 2do Jac. 6. [illegible]

Elders and Deacons, who are Lay Administrators, are Men of good Character, chosen by the Kirk-Session, approved by the Congregation and ordained by the Minister, for their Life. Both assist the Minister in visiting and take their Turns serve at the Communion-Table, and are Members of the Kirk-Session. But their Offices are thus distinguished. Ruling Elders (who are called Elders from their gravity and prudence) have an equal Vote with the Minister, in all Business in the Kirk-Session, and may be chosen to assist and vote in any other Church Judicature. But the proper Business of Deacons, is to collect the Offerings for the poor, to inquire into and acquaint the Session with their Case, and to distribute to them as the Session appoints. They may give their Advice in the Kirk-Session if asked, but have no Vote, except in things relating to the poor.

Tit. 2.

Of the Laity.

The Laity (from the Greek Λαος) are the People distinct from the Clergy. These are either the Nobility, or Commons.

The Distinction of Ranks in the Body-politick, is highly necessary in the Oeconomy of the World for encouraging Virtue, correcting of Manners, and keeping common Conversation in the Bounds of Politeness and Civility: nor was it ever called in Question by any, save Barbarians and Enthusiasts such as were the Levellers in Oliver Cromwell's Army.

Persons of Note, are now known from the Vulgar Sort by their Arms or Coats of Arms, Titles, Privileges and Precedency. Arms seem to have taken their Beginning from such Military Rewards of Crowns, Bracelets, Chains, Spears, Darts &c. as were usually given to well deserving Men in the Roman Commonwealth, to excite others to the Performance of noble Actions at Home and Abroad; which other Nations have copied after. Those Trophies used to be born in Warlike Expeditions, upon the Targets and Buckler or Helmets of Persons honoured therewith; and in Time of Peace were hung up in their Houses, and by a long Order of Succession were delivered to their Posterity by the Name of Arms because Enemies were with them overpulsed.

The Rules of Property do not obtain in Titles of Honour. For Titles of