loss in his Stipend by the Dismembration. But if there be, then the Disjoined Lands become affectable by a Stipend to the Incumbent whose parish they are Annexed to. Lands are frequently Dissolved from one parish and Annexed to Another, upon the Account of a Nearer and more easie Access to the Church. Where a parish is so wide, and far Extended, that the Inhabitants in the Remoter parts, by their Distance from the Church, or the Interjection of Waters, cannot have Access upon all occasions, to partake in the Administration of the Divine ordinances; the Common Remedy is to Make of one two Parishes, and build Another Church in a Convenient place for the new Erection c. Praecipimus § fecit Duo 16 qu. 1. Orders for building of new Churches have been sometimes obtained from the Commission, upon a Bill given in to them with the Presbyteries Recommendations; and sometimes upon Report of a Visitation appointed by themselves. Where a Church was found to be Incommodiously Seated, an order of Commission was got upon Application of the parishoners, or the Majority and most Considerable of them, for setting up another in a More proper place about the Middle of the parish, and Declaring the same when built, to be the only Church of the parish: they giving security for building the new Church as good as the former, whereof no Expence should be laid upon those of the parish who Expressed their Dissent from the transplanting by protesting against it, 12 feb. 1673 Lord Bargany contra Cathcart of Carelton & Boyd of Pinkel. But now the Transporting of Churches, disjoyning too large parishes, and Erecting new Churches, Must be with Consent of the heretors of three parts of four of the Valuation of the Parish, whereof the Church is Craved to be transported, or the parish to be Disjoined, and a New Church to be Erected, act 9 sess. 4 Parl. 2. A.

Index [to vol. I]

Of Matters contained in the First Volume of Mr Forbes's Body of the Law of Scotland.

Abatement, vid. Cases.

Abbey of HolyRood house 1192.

Abbots 206.

Abiding by writs (vid. Improbation, Falshood) 1711. 1712. 1713. 1714. 1879.

Absence Reipublicae causa (vid. prescription) 1356.

Acceptance of a disposition with the Burden of Debts (vid. Titles pass. be) 1491. 1088.
Acceptance of Rights by persons in whose favour granted how far necessary 515. 672. 818. 820. 1003 Acceptance of the office of the office of Tutor or Curator 156. 157.
Acceptance of one Right in Satisfaction of another 774. 1072. 1088. Acceptance of a less sum in Satisfaction of a greater 1072.

Acceptilation (vid. payment, Discharges, Satisfaction) 1072.

Accession natural 495. 496 Artificial 496 & seqq. Mixt 499.

Accession to crimes (vid. Approbation, Homologation) 555. 932. 944. 949.

Accessorium sequitur principale 274. 822. 898. 1065. 1126.

Accidents (vid. Casus fortuitus) 542. 543.

Accounts and Account Books, (vid. Scrolls, Writs) 187. 559. 1365. 1366. 1367. 1368. 1646. 1647. 1648. 1649.

Accretion or Accrescendi jus } vid. Jus Accrescendi.

Acquiescence, vid. Homologation, approbation.

Acquisition by ones own fact (vid. occupancy, Specification, accession artificial) 491. By the Deed of another (vid. Rights) 500 & seqq. quod acquirimus nobis acquirimus nostris heredibus 509. 751. 784. 1096. 1446.

Actions before the Session 1622 & seqq. Several kinds of them 1688 & seqq. personal and real Actions 1688. 1689. 1690. Declaratory Actions (vid. Declarators) 1690. 1691. Actions to insist 1691. 1692. Actions of Multiplepoinding (vid. Multiplepoinding) 1692. 1693. Actions cognitionis causa 1693. 1303. 1304. Rescissory Actions 1694 & seqq. Actions praescriptis verbis 1694. petitory Actions 1718. 1719. such action of mails and duties 1719. possessory Actions 1720. such Action of mails and duties 1720. Actions rei persecutoriae 1724. 1736. penal Actions 1724. 1725. 1736. Accessory Actions 1725 & seqq. 1891. as of Transumpt 1726. 1727. of proving the Tenor 1727 & seqq. Action repeated incidenter in another process 1891. Exhibitions 1735 Action of Transference 1735. 1736. Actions of wakening 1737. Action at a superiors Instance 608. Actions on the pass. be Titles 1689. 1725. Actions ordinary & extraordinary 1688. Actions arising from the administration of Tutors & Curators 183. Subsidiary actions, vid. Subsidiary. Concourse of penal Actions 249. 250. 624. How ordinary Actions in the first Instance are commenc'd, carried on in all the Steps of Form, & finally determined before the Session 1884 & seqq.