

lacy devolved to the Crown, and did not accresce to the Earl of Murray; and the brocard *patronus mei patroni est mihi patronus*, does not hold where another patron is known.—THE LORDS found the Earl was not patron, and so had no right to the vacant stipend of Longbride. Sir George M'Kenzie, in his Latin pleadings, p. 131. shows, that the Earl of Haddington, as patron of the first minister of that town, had likewise the right of presenting the second minister, though founded and paid by the town, as being only an accessory consequence depending upon the first. See it from Stair's decisions, 18th Nov. 1680. No 6. p. 9901.

No 8.

*Fountainhall, v. 2. p. 489.*

1735. February 15. MONCRIFE against MAXTON.

No 9.

IF a PRESBYTERY refuse a presentation duly tendered to them, in favour of a qualified minister, against which presentation or presentee there is no legal objection, and admit another person to be minister, the patron has right to retain the stipend, as in the case of a vacancy. See APPENDIX.

*Fol. Dic. v. 2. p. 47.*

1748. November 19. COCHRAN, Petitioner.

No 10.

THE presbytery of Dunfermline having refused to receive the patron's presentee, and proceeded to appoint a day for the ordination of another; Charles Cochran of Culross, the patron, presented a bill of advocation of the settlement, which the LORDS unanimously "refused as incompetent."

*Fol. Dic. v. 4. p. 49. Kilkerran, (PATRON.) No 2. p. 374.*

1749. January 21. COCHRAN against The OFFICERS of STATE, and Others.

No 11.

IT is an established point, that an erection or settlement of a second minister accresces to the patronage of the first charge; and accordingly, it was here found, that Charles Cochran of Culross, the pursuer, being patron of the parish of Culross, was entitled to present to the office of second minister, which had been erected upon the contribution of the heritors.

But an objection having been made to Mr Cochran's charter of the patronage, that it had not been granted with consent of the incumbent for the time, without which grants of patronage from the Crown are declared void by act 172d, (176) Parl. 1593, the act was found to be in disuetude, or rather that it was but a temporary act, to continue during the life of the King then reigning.

*Fol. Dic. v. 4. p. 50. and 54. Kilkerran, (PATRON.) No 3. p. 374.*