

KENNET. We cannot go beyond the regulations of the law.

KAIMES. The case comes to this, "Three years are allowed for completing my diligence; but I find that three years are not enough, and therefore you must give me a week or a month more."

On the 13th December 1776, "The Lords refused the petition."

For the petitioner, J. Boswell, Mat. Ross.

1776. December 14. HERITORS of the PARISH of ECCLES *against* The EARL of MARCHMONT and OTHERS.

KIRK.

Division of a Kirk. Area, after being seated, how to be divided.

[*Faculty Collection*, VII. 336; *Dictionary*, 7924, and *App.* —.]

HAILES. If this interlocutor were to be altered, a greater confusion would ensue than if all the churches in Scotland were to be settled by popular elections. The plan of the petition is, that the inhabitants of a parish are to have seats at random and indiscriminately, so that he who comes first to the church will have his choice: this might have done very well in former times when the area of the church was left void, and people brought their stools with them, which they threw at the minister if they did not like his doctrine; but it will not do in our age,—there is no necessity for a particular law in order to divide the seats in churches. Good order requires a division, and no better rule can be devised than that which practice has adopted, *that* of dividing by the valued rent: this may be attended with inconveniencies, as every human institution is; but it is surely better than that of putting the churches in Scotland in the state of the commonties of royal burghs, which cannot be divided.

BRAXFIELD. Altogether of the same opinion. In a parish where there is a burgh and a landwart parish, a different rule must, from necessity, be observed, and an area equal to the wants of the burgh must be set aside.

KAIMES. In cases like this, there can be no rule but the valued rent.

PRESIDENT. I have no notion that any other rule can be followed: many decisions of the Court have proceeded on the opinion that this was law. In the case of *The Parish of Bathgate*, the Court found that Lord Torphichen, as patron, was entitled to the first choice.

On the 14th December 1776, "The Lords found, that the division of the church must be according to the valued rent;" adhering to Lord Kennet's interlocutor.

*Act.* A. Crosbie. *Alt.* H. Dundas.