

1631. *February 15.*MR ALEXANDER CHRYSTISON *against* MR ALEXANDER ANDERSON.

No 21.
Churches
united by
parliament,
could not be
disunited by
the bishop, or
otherwise
than by par-
liament.

THE kirk of Auchtergiven and the kirk of — being united by act of Parliament 1617 in one, and one minister ordained to serve the cure at both; the Bishop of Dunkeld, being bishop of the diocess, appoints one of these kirks to be served by the one minister, and the other kirk by the other minister foresaid, and divides the stipend betwixt them, the whole being 80 bolls of victual only, and appoints, with advice of the presbytery, Anderson who was then actual minister at Dowallie, to be transported from that kirk, where he was provided to the said kirk, which was so divided; and the said two ministers by contract perfected betwixt them, and delivered to the bishop, ratified each one to others, the provision of the said kirks, and each one of them should uplift the half stipend, modified at the uniting thereof; a year or two thereafter, the bishop gives presentation to Chrystison of both these kirks united, and appoints him minister at them both; whereupon in a double-pounding, the two ministers contending for the stipend, the one claiming the whole by the foresaid presentation, and letters conform thereon; and the other in respect of the act of transportation, done by the presbytery and bishop, which he alleged to be as good as the presentation of the bishop, and in respect of the foresaid contract, claiming the half; the LORDS preferred the minister presented, viz. Chrystison, to the other for the whole stipend, notwithstanding of the said contract and act of transportation; seeing they found, that a kirk so united by Parliament, could not be loosed, disunited, nor altered by the bishop, nor no other but by the Parliament; neither could the foresaid contract oblige the parties thereto, there being a posterior presentation granted of the kirks united to the foresaid Chrystison, after the foresaid contract and transportation, and which was authorised by decreet, and letters conform. Likeas Chrystison offered to prove, that the other minister continued still minister at Dowallie, where he was provided, and served before, and still uplifted the stipend of that kirk; which the LORDS found relevant, and admitted to probation, for it was not found reasonable, that he should have the whole stipend of his own kirk, and seek the half of a small stipend at another kirk.

Act. *Stuart.*Alt. *Mowat*Clerk, *Gibson.**Durie, p. 569.*1631. *July 26.*The BISHOP of the Isles *against* JOHN SHAW and BRICE SEMPLE.

IN a reduction of a tack of the fishing of the Isles pursued by the Bishop of the Isles, against John Shaw and Brice Semple, the first reason was, that it