

PATRONAGE.

No. 1. 1736, June 24. PATRICK MAXTON *against* MONCRIEFF.

THE Lords found themselves competent to judge of the legality of the admission of Ministers *ad hunc effectum* to determine whether they are entitled to their stipends, and continued the rest of the cause till to-morrow,—13th February 1735.

The Lords, (14th February,) found that a Presbytery refusing a presentation duly presented in favours of qualified persons, against which there lies no legal objection, and admitting another person as Minister, the Patron has right to retain the stipend, *rénit.* Newhall *et* Drummore. The President absent.

The Lords (20th February) repelled the objection that the right of patronage was not produced before the Presbytery, in respect of the answer that it was produced before the commission *debite tempore* before the settlement, (in which commission the Presbytery was not a party.) 2d July 1735, Adhered to this last interlocutor, having in the end of February adhered to the two former.

The Lords (24th June 1736) *nem. con.* sustained the objection to Lady Newark and Mr Moncrieff's title to the patronage at the time of the presentation, and during the vacancy, and therefore repelled the reasons of suspension and found the letters orderly proceeded.

No. 2. 1747, June 4. DUKE OF MONTROSE *against* THE HERITORS OF STRATHBLAIN.

THIS parish was it seems a prebendary of the Provostry of Dunbarton, and the Provost had the patronage, and the patronage of the Provostry was in the family of Lennox, and was by King Charles II. given to the Dutchess of Lennox, in liferent, and to his natural son Charles Duke of Richmond in fee, which fee was afterwards purchased by Queen Anne, and from her by the Duke of Montrose; and stands infest in the patronage of the Provostry and haill prebendaries and chaplainries thereto belonging. The Dutchess appointed John Cunningham of Enterkin her agent and Provost of the said Collegiate Church for life, and upon the act 1690 abolishing patronages, he charged the heritors, and among others the last Duke of Montrose for payment of 600 merks, the statutory price of the patronage, who suspended, for that he himself had but a temporary right to the patronage, and that too from a liferentrix who was his own Patron, and neither the liferentrix nor fiar of that patronage was called or compearing. This question was compromised, and Enterkin got a decret of consent, and bearing so, upon his granting a renunciation of the patronage of Strathblain with absolute warrandice. This Duke of Montrose upon his foresaid infestment pursues declarator of his right of patronage of Strathblain, and reduction of the foresaid renunciation as granted *a non habente*, and as a dilapidation by Enterkin without consent of his Patron. Alleged for the defenders, He was the only