

- No. 3. the Patron presented a bill of advocation, which Lord Kilkerran, Ordinary, reported, whether he should order it to be answered and sist procedure? and the Lords unanimously refused the bill as incompetent. *Vide* 26th June 1751, No. 4. *infra*. (See DICT. No. 10. p. 9909.)
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1751. *June 26.*

MR CHARLES COCHRAN, Patron of Culross, *against* The HERITORS.

No. 4.

IN the above case of Mr Cochran, the Presbytery having disregarded his presentation of Trotter to be second Minister of Culross, and settled Mr Stoddart in November 1748, Mr Cochran pursued the heritors for payment of the vacant stipends; wherein compearance was made for Mr Stoddart;—and though the vacancy had continued two years from November 1746 to November 1748, before he was settled, and though Mr Cochran was not in possession of the patronage, and his right was disputed both by the Crown and by the Town of Culross, and he did not prevail in his declarator of his right till January 1749, three months after Stoddart's settlement;—yet the Lords found the Patron had right to the benefice, and preferred him to the Minister. (See DICT. No. 11. p. 9909.)

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1752 *February 27.*

URQUHART of Meldrum *against* The OFFICERS OF STATE.

No. 5.

THE patronage of the common Kirks belonging to the Chapter of the Bishoprick of Ross found sufficiently constituted and conveyed by the King's charter in 1588, ratified in Parliament in 1592, and that the grant was not annulled by the acts 1606 or 1617 restoring Bishops and their Chapters, nor by the act 1593, unless the competitors would prove that there was an incumbent or Minister serving the cure in the Kirk at the date of that charter; and found also, that though patronages may be created or conveyed without infeftment, yet if they are annexed to Baronies, and thereby made feudal rights and infeftment on them taken, they cannot be transmitted without infeftment in prejudice of singular successors purchasing *bona fide* on the faith of the records. This was in effect found by preferring Urquhart of Meldrum as purchaser of the estate of Sir George M'Kenzie, son of Sir Kenneth M'Kenzie of Cromarty, and particularly of the patronage of the Kirk of Cromarty before the Crown. But a reclaiming