

stipends to be applied for pious uses within the parish; but there is an exception in cases where the King is patron; that is, the King was to remain in the condition wherein all patrons were before that act, and have the incontrollable disposal of vacant stipends: This is a personal privilege in favour of the King, and must therefore be extended to patronages acquired since the act 1685, as well as to those which were in the Crown at that time.

“ THE LORDS refused the bill of suspension.”

For the Suspenders, *Lockhart.*

Alt. *Sir David Dalrymple.*

D.

Fol. Dic. v. 4. p. 52. Fac. Col. No 106. p. 158.

No 36.

1778. July 12.

LEITH of Whitehaugh against Earl of FIFE.

No 37.

AN heritor charged by a patron for vacant stipend, is not allowed to retain or suspend payment, on the allegation that the patron has forfeited his right of administration by his misapplication of former vacant stipends: He must pay in the first place, the law having provided sufficient remedy against the patron's malversation. See APPENDIX.

Fol. Dic. v. 4. p. 52.

SECT. III.

Jus Devolutum.

1682. November.

APPLEGIRTH against THOMSON.

THE Archbishop of Glasgow having admitted Mr Thomas Thomson to the church of Applegirth *jure devoluto*, Mr Alexander Jardine of Applegirth patron of the old church, pursued a reduction against the said Archbishop and Mr Thomas, of his admission, upon the ground that the admission granted by the Archbishop was null, seeing the right of presentation did not belong to him *jure devoluto*, in respect Applegirth, who was patron, did present a person to the church within six months after it was vacant conform to the 7th act Parliament 1. James VI. which was sufficient to save his right of patronage, and it was the Bishop's fault that the person he presented was not admitted, seeing he refused to collate him. *Answered*, That it is provided by the act of Parliament, that the patron should present a qualified person within six months after he have knowledge of the vacancy; but so it is, that the person presented by

No 38.

The Lords sustained a presentation granted by a bishop as having right to present *jure devoluto*, in respect the patron did not present a qualified person within the six months, the time allowed by the act of Parliament, in which the patron is to perfect all his presentations.