

CAP. XII.

An act to restore the patrons to their ancient rights of presenting ministers to the churches vacant in that part of Great Britain called Scotland.

WHEREAS by the antient laws and constitutions of that part of Great Britain called Scotland, the presenting of ministers to vacant churches did of right belong to the patrons, until by the twenty third act of the second session of the first parliament of the late King William and Queen Mary, held in the year one thousand six hundred and ninety, intituled, Act concerning patronages, the presentation was taken from the patrons, and given to the heretors and elders of the respective parishes; and in place of the right of presentation, the heretors and life renters of every parish were to pay to the respective patrons a small and inconsiderable sum of money, for which the patrons were to renounce their right of presentation in all times thereafter: and whereas by the fifteenth act of the fifth session, and by the thirteenth act of the sixth session of the first parliament of the said King William, the one intituled, An act for encouraging of preachers at vacant churches be-north Forth, and the other intituled, Act in favours of preachers be-north Forth; there are several burthens imposed upon vacant stipends, to the prejudice of the patrons right of disposing thereof: and whereas that way of calling ministers has proved inconvenient, and has not only occasioned great heats and divisions among those who by the aforesaid act were entitled and authorized to call ministers, but likewise has been a great hardship upon the patrons, whose predecessors had founded and endowed those churches, and who have not received payment or satisfaction for their right of patronage from the aforesaid heretors or life renters of the respective parishes, nor have granted renunciations of their said rights on that account; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the aforesaid act made in the year one thousand six hundred and ninety, intituled, *Act concerning patronages*, in so far as the same relates to the presentation of ministers by heretors and others therein mentioned, be and is hereby repealed and made void; and that the aforesaid fifteenth act of the fifth session, and thirteenth act of the sixth session, of the first parliament of King William, be and are hereby likewise repealed and made void; and that in all time coming, the right of all and every patron or patrons to the presentation of ministers to churches and benefices, and the disposing of the vacant stipends for pious uses within the parish, be restored, settled, and confirmed to them, the aforesaid acts, or any other act, statute, or custom to the contrary in any wise notwithstanding; and that from and after the first day of May, one thousand seven hundred and twelve, it shall and may be lawful for her Majesty, her heirs and successors, and for every other person or persons, who have right to

The recited act concerning patronages, so far as it relates to presentations by heretors, &c. made void.

The other recited acts repealed. And the rights of patrons restored.

After 1 May, 1712, the crown, and

to any patronage or patronages of any church or churches whatsoever, in that part of *Great Britain* called *Scotland*, (and who have not made and subscribed a formal renunciation thereof under their hands) to present a qualified minister or ministers to any church or churches whereof they are patrons, which shall, after the said first day of *May*, happen to be vacant; and the presbytery of the respective bounds shall and is hereby obliged to receive and admit in the same manner such qualified person or persons, minister or ministers, as shall be presented by the respective patrons, as the persons or ministers presented before the making of this act ought to have been admitted.

others who have right to patronages, may present qualified ministers, and the presbyteries shall receive them.

II. Provided always, That in case any patron or patrons have accepted of, and received any sum or sums of money from the heretors or life renters of any parish, or from the magistrates or town council of any borough, in satisfaction of their right of presentation, and have discharged or renounced the same under their hand, that nothing herein shall be construed to restore such patron or patrons to their right of presentation; any thing in this present act to the contrary notwithstanding.

Not to restore the right of presentation to patrons who have sold the same.

III. Provided also, and it is hereby enacted by the authority aforesaid, That in case the patron of any church aforesaid, shall neglect or refuse to present any qualified minister to such church that shall be vacant the said first day of *May*, or shall happen to be vacant at any time thereafter, for the space of six months, after the said first day of *May*, or after such vacancy shall happen, that the right of presentation shall accrue and belong for that time to the presbytery of the bounds where such church is, who are to present a qualified person for that vacancy *tanquam Jure devoluto*.

Patron not presenting in six months, the right shall accrue to the presbytery.

IV. And be it further enacted and declared by the authority aforesaid, That the patronage and right of presentations of ministers to all churches which belonged to archbishops, bishops, or other dignified persons, in the year one thousand six hundred eighty nine, before episcopacy was abolished, as well as those which formerly belonged to the crown, shall and do of right belong to her Majesty, her heirs and successors, who may present qualified ministers to such church or churches, and dispose of the vacant stipends thereof for pious uses, in the same way and manner as her Majesty, her heirs and successors, may do in the case of other patronages belonging to the crown.

Patronages, which before episcopacy was abolished, belonged to archbishops, &c. shall belong to her Majesty, &c.

V. Declaring always, That nothing in this present act contained, shall extend, or be construed to extend, to repeal and make void the aforesaid twenty third act of the second session of the first parliament of the late King *William* and Queen *Mary*, excepting so far as relates to the calling and presenting of ministers, and to the disposing of vacant stipends in prejudice of the patrons only.

How far the 23d act of sess. 2. parl. 1. W. and M. shall be repealed.

VI. And be it further enacted by the authority aforesaid, That all and every patron and patrons, who have not taken, or shall not take, at any time before his or their presenting a minister or ministers to any church or churches aforesaid, the oath

Patrons to take the oath in 6 Annæ, c. 14.

oath appointed to be taken by persons in publick trust, by an act made in the sixth year of her Majesty's reign, intituled, *An act for the better security of her Majesty's person and government*, shall, and are hereby obliged, at their signing such presentation, to take and subscribe the aforesaid oath before the sheriff of the shire, steward of the stewartry, or before any two or more justices of the peace of the county or place where such patron resides; and in case such patron or patrons, who have not formerly taken the aforesaid oath, refuse or neglect to take the same at the signing of such presentation, that the same shall be and is hereby declared to be void, and the right of presentation, and of the disposing the vacant stipends for that time, shall belong to her Majesty, her heirs and successors, who may present a qualified person to such church or benefice, at any time within the space of six months after such neglect or refusal; any thing in this present act, or in any other act to the contrary notwithstanding.

Refusing, the presentation shall be void, and the crown shall present.

Known or suspected papists shall take the formula, before they present, otherwise the presentation shall be void, and her Majesty, &c. may present.

VII. *And whereas the right of patronage of churches may belong to papists*; be it therefore enacted by the authority aforesaid, That any person or persons, known or suspected to be papists, and who have a right of presenting ministers, shall be obliged, at or before his or their signing any presentation, to purge himself of popery, by taking and signing the formula contained in the third act of the parliament of Scotland, held in the year one thousand seven hundred, intituled, *Act for preventing the growth of popery*; and in case such popish patron or patrons shall refuse to take and subscribe the formula aforesaid, the same being tendered to him or them by the sheriff of the shire, steward of the stewartry, or any two or more justices of the peace within their respective jurisdiction, who are hereby impowered to administer the same, the presentation, and the right of disposing the vacant stipends shall for that time belong to her Majesty, her heirs and successors, who may present any qualified person or persons within six months after such neglect or refusal; any thing in this present act, or any other act to the contrary notwithstanding.

C A P. XIII.

An act for repealing part of an act passed in the parliament of Scotland, intituled, Act for discharging the Yule vacance.

WHEREAS by the twenty second act passed in the parliament of Scotland, anno one thousand six hundred and ninety, intituled, *Act for discharging the Yule vacance, the annual vacation of the court of session, and all other inferior courts of judicature, is thereby discharged, and the senators of the college of justice, or court of session, are ordained to meet and sit for the administration of justice, from the first day of November, to the first of March yearly, without any interruption; which has been by experience found inconvenient and burthensome to the subject in that part of the kingdom*; be it therefore enacted by the Queen's most excellent majesty,