

documents they have, for clearing and astructing the right of the said patronage ; and, in the mean time, appointed the kirk to be supplied by the bishop, because Waterton as yet has shewn no right to it standing in his person, and is not as yet infest. *Vide supra*, about a patronage contraverted between *Southesk* and *Northesk*, *in fine*, No. 572, [14th June, 1677] ; as also *infra*, [No. 658, 20th November, 1677,] between the *Town of Hadington* and the *Earl of Hadington*.

*Advocates' MS. No. 656, folio 308.*

1677. *November.*

ACTS OF SEDERUNT.

THE Lords enacted, that parties who minded to complain of interlocutors given in the Outerhouse, should do it within twenty-four hours, otherwise that they consign a dollar with their bill, by way of amand, not to be returned though the bill be granted. *2do*, That qualified oaths should be immediately discussed as to their intrinsic qualities and competency ; because by the reservation of these debates to the conclusion of the cause, the Lords found themselves exceedingly retarded in the advising. But this has not yet taken full effect. *3tio*, That informations be given in at the advising of concluded causes, that being the most critical period of them. See this enlarged *alibi*.

*Advocates' MS. No. 657, folio 308.*

1676 and 1677. THE HERITORS and TOWN OF HADINGTON *against* The EARL OF HADINGTON.

1676, *December*.—THE Duke of Lauderdale, Clerkington, Barns, and sundry other gentlemen, heritors within the parish of Hadington, raised a declarator against the Earl of Hadington, and Mr James Forman, whom he had presented to be second minister at the kirk of Hadington ; to hear and see it found and declared, that the patronage does not belong to the said Earl, and therefore the said minister to be removed. This last part of the summons, I think, will hardly be sustained ; for Hope, in his Collection, lib. 2. tit. 14. Of the Patronage of Kirks, fol. 78, shews the incumbent will bruik the benefice during his life, albeit the patron's right be reduced ; but the first alternative is unquestionably relevant.

*Advocates' MS. No. 517, § 10, folio 268.*

1677, *November 20th*.—IN the declarator, mentioned *supra*, [Number 517, Section 10,] at the instance of the heritors and town of Hadington against the Earl of Hadington, that he hath no right to present the second minister of Hadington ; the Lords advised the dispute this day ; and finding that there was no writ produced anent the constitution of the second minister's provision, they, before answer, ordain either party to adduce what probation or evidences they can, for clearing *quid vere actum erat* at the first settlement of the second minister ; if his provision should have been by voluntary contribution, or if the same should affect the teinds ; and if there was any decret of the commission for plantation of kirks in relation