

than when she set out, there were no grounds upon which the appellants were entitled to abandon the ship as for a total loss. 2. In addition to the plea that the ship was not lost, and could not be abandoned as lost, it was further maintained that though the appellants had been in a situation to abandon, yet that they had not abandoned *tempes- tive*. Held in the Court of Session that the appellants were not entitled to abandon as for a total loss, and to recover accordingly. Reversed in the House of Lords, and ordered that the decree of the Court of Admiralty be affirmed, which decided that the appellants were entitled to abandon as for a total loss,—the object of the voyage being totally defeated.

1813.

 CRAIGDALLIE,
 &c.
 v.
 AIKMAN, &c.

For the Appellants, *V. Gibbs, J. A. Park.*

For the Respondents, *M. Nolan, Wm. Erskine.*

(Dow, vol. i. p. 1.)

JAMES CRAIGDALLIE and Others,
 The Rev. J. AIKMAN and Others,

Appellants ;
Respondents.

House of Lords, 16th June 1813.

PROPERTY OF CHURCH—SEPARATION IN RELIGIOUS BODY.

This question, as to the right to possession of the meet- ing house and session house belonging to the Society of Burgher Seceders of Perth, was raised on the occasion of a split in that body, in regard to the formula of their church as respected the power of the civil magistrate. The appel- lants were the body who separated themselves, but, con- tending that they adhered to the original doctrines and for- mula of the Seceders' body, which were identical with those of the established church, and were therefore entitled to possession, while the respondents were parties who had al- tered, or were inclined to modify the formula on this head. The Court of Session were of opinion that nothing had been done to alter the formula by the respondents, and confirmed them in possession of the meeting house, &c. On appeal to the House of Lords, the case was remitted for reconsidera- tion. *Vide infra*, (second appeal.)

For Appellants, *Ar. Colquhoun, Wm. Adam.*

For Respondents, *Sir Samuel Romilly, James Stephen,*
Alex. Maconochie.