

Scots to Sir James, though the accounts were yet open, unfitted, and all counts bear tacitly *salvo justo calculo*; (but here it was not *error in calculo*, but in placing and charging himself with articles;) and Balfour's letters to Cutler acknowledging the balance of accounts between Sir James Stewart and him were near equal;—that Sir James was not Balfour's debtor in the L.200 sterling acclaimed, but that the two, conjoined, amounted to a discharge; only ordained Sir James to depone anent the instructions of the debit side of the account, &c.

See it fully in the informations beside me. *Advocates' MS. No. 591, folio 291.*

1680. *June 15.*—Mr Patrick Reid's action against Sir James Stewart was decided, and Sir James assoilyied. See *7th July 1677. Vol. I. Page 102.*

1680. *June 15.* JOHN CLERK *against* MUIRHEAD and OTHERS.

Two decreets obtained by John Clerk against Muirhead and others, are turned into a libel, because Mr William Monypenny, advocate, disclaimed his compearance, though he was marked, taking a day to produce them: only the persons reponed were decerned to pay the expenses of the decreets.

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1679 and 1680. The LADY SHEINS *against* the LADY WAMPHREY.

1679. *January 2.*—IN the action betwixt the Lady Sheins and the Lady Wamphrey, the Lords would not bring in Sheins' diligence as done *pari passu* and within year and day with Wamphrey's, albeit it was alleged that Wamphrey retarded Sheins by suspending; seeing they had time enough to have discussed the cause within the year, but were *in mora*, and suffered it to lie over. *Vide infra, 26th Jan. 1681, Lady Bangour.*

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1680. *June 15.*—IN a case betwixt the Lady Wamphrey and Sheins, (*vide 2d Jan. 1679,*) the Lords admitted a compensation to extinguish a comprising, they proving by the compriser's oath that it was for the debtor's behoof.

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1680. *June 18.* COLIN MACKENZIE *against* The TOWN of EDINBURGH.

MR Colin Mackenzie against the Town of Edinburgh for the ann due to Mr Robert Lawrie, who died, one of their ministers. ALLEGED,—The ministers of Edinburgh have never been in possession of an ann past memory of man; and so have prescribed an exemption and immunity. ANSWERED,—They oppone the Act of Parliament 1672, which is general, and excepts none from payment of anns. This was taken to the Lords' answer. But it was thought an ann would be found due.

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