

trated (by her husband's fault,) gave her a sufficient interest and title to pursue a reduction and improbation of their rights upon the lands. *Vol. I. page 539.*

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1692. *December 27.* JOHN RAMSAY *against* DOUGALL of Nunlands and PENMAN.

MR. JOHN RAMSAY, advocate, against Dougall of Nunlands and Penman. The Lords ordained the principal discharge, given by Ramsay to Nathaniel Fife, of his tutor-accounts to be produced; and granted an incident diligence for recovery thereof. And also found any acknowledgment or acquiescence, that Penman had made in the count and reckoning to sundry articles of the charge, could not hinder his assignee to quarrel the same; though the assignation was given by him *ante redditas tutelæ rationes*, because Penman being then bankrupt, no declaration of his could wrong his assignee. *Vol. I. page 539.*

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1692. *December 28.* ROBERT STEWART, Minister at Ballquhidder, *against* the MARQUIS of ATHOLE and his other Parishioners.

MR. ROBERT STEWART, minister at Ballquhidder, against the Marquis of Athole and his other Parishioners. The Lords were fully convinced that he was a very bad man, and unworthy of the holy function; but found the church not vacant on the grounds alleged; for as to the 132d act, 1584, the four Sabbath-days absence be declared a cause of deprivation in a minister, yet, that was not yet cognosed by any church-judicature against him; and though he was in arms, yet he had taken the benefit of the indemnity; and as to his letter to the Lord Murray, patron, the Lords did not find it a formal demission of his charge, and so preferred him, notwithstanding some of them had paid the patron's collector, upon a destination of this stipend to a school in the parish, for the Lords found it not vacant. *Vol. I. page 539.*

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1692. *December 28.* CAIRNS *against* CAIRNS and PATRICK STEIL.

CAIRNS contra Cairns and Patrick Steil. The Lords sustained the widow's exonerations, being for privileged debts, as house-mails, servants-fees, medicaments, funerals, &c. unless they condescend on some defence they had, if they had been cited thereto; and repelled that defence, that she had paid without sentence; and found she needed not abide a decret for privileged debts of that nature. *Vol. I. page 539.*