

1666. *June.* The VISCOUNT of STORMONT *against* ADAM NEUALL, his Chamberlain.

THE Viscount of Stormont,—having right, by his lady, the relict of the Earl of Annandale, to her jointure-lands in that country, and having appointed Adam Neuall, chamberlain,—pursues the said Adam for count of three years' rent. The defender alleged, Absolvitor, Because he was discharged, by the pursuer, of these years, conform to an account [of] charge and discharge. Answered, *Non relevat* as to any particular omitted out of the account, especially considering that the pursuer was a stranger in the place, and ignorant of rental, and therefore may call the defender to an account of his own omissions, which the pursuer refers to his oath. Replied, That an account being fitted, and a discharge granted, it were unjust, after such a transaction, to quarrel the same, the pursuer being *major et prudens*. Duplied, If this were not sustained, as to such omissions, it were easy for a chamberlain to cheat his master, who may be probably ignorant of the condition of the fortune for the time. The Lords repelled the allegiance; and ordained the defender to depone upon both omissions of charge and discharge, as they should be given in by the pursuer and found reasonable.

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