creditor either to allege or to prove it was in *rem minoris versum*, seeing no credit would be given to minors, nor no traffic could be held with them hereafter.

The Lords found the creditor behoved to say the sum lent was *in rem versum*, otherwise that they would suspend the letters simpliciter, notwithstanding the bond was signed by the minor and his curators.

Many of the Lords were of another mind; especially my Lord Advocate.

Act. Sinclar. *Alt.* Lockhart. *Advocates' MS. folio* 58.

1667. *June* 29. Jo. LIDDELL *against* THE HERITORS of Fordungennie.

MR. JO. LIDDELL being in March 1667, transported from the parish of Fordungennie to Scoone, and charging the heritors for the half year's stipend due from Martinmas 1666 to Whitsunday 1667, my Lord Advocate, who heard the cause, was of opinion that he could not have that half year's stipend from which he was transported, because it inferred plurality of benefices, which was reprobated by the canon law, and that he could not be minister at both kirks. Urged on the other hand, a minister was not in the case of a liferenter, who dying before the term, had no right. And yet the Lords in the very like case betwixt Mr. Thomas Kirkcaldie and the heritors of Carnwath, found the minister to have right to both stipends, and that it did not infer plurality of benefices.

Act. Dinmuire. *Alt.* Lockhart. *Advocates' MS. folio* 58.

The same minister pursuing for the price of his house, which he had builded by order from the bishop, after a previous visitation; ALLEGED, by act of Parliament, the heritors having made the manse once free, the minister was bound to uphold it on his own charges; and having ruined by the fault of the last incumbent, he ought to pursue him and his representatives.

The Lords inclined to make the heritors liable for the superplus of 500 merks, being 1000 merks.

Advocates' MS. folio 58.

1667. *January* —, and *June* 29. ADAM STEVIN *against* BAILIE BOYD.

January.—BAILIE BOYD being pursued by his stepson, Adam Stevin, for count, reckoning, and payment-making to him of his portion natural, the Bailie being his tutor and curator:—

Wherein the Lords found a tutor not liable in diligence for such debts as either the debtor thereof was known to be irresponsal, or were so reputed and holden the time of his office; because he was not bound to expend his pupil's estate unprofitably, or whereof he would get no allowance, nor was he bound to expend his own. And they found this allegeance relevant to be proven *prout*