

1753. *January* 19. PROVOSTS M'AULAY and LINDSAY *against* HALL.

No. 5.

PROVOSTS M'AULAY and LINDSAY having furnished mournings to Lord Kimmergham's Lady, children, and servants, Mr William Hall paid them the produce of the sale of his library, but took their bills for the money till the question should be determined, whether such furnishings had the privilege of funeral expenses? His heir now sues them for these bills, and their defence was the said furnishings, which were privileged and preferable debts. Lord Strichen repelled the defence; but they reclaimed, and the question is well argued in both petition and answers; and at advising, the Court was of opinion that such mournings as by custom were necessary and decent at or before the interment of a person of his rank, had the privilege of funeral expenses; and therefore sustained the defence, but remitted to the Lord Ordinary to hear parties procurators, if there were any articles of the accounts that were not to be used at or before the interment. (See DICT. No. 67. p. 4854.)

See NOTES.