

the date of that liberation ; though they were shipped three days before it, and the said discharge or exoneration of the cautionry was not intimated to the merchants.

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1682. *March 1.* ROCHEID'S DAUGHTER *against* ROCHEID, her Father.

ONE Rocheid in the Merse being pursued by his daughter, to grant her a yearly aliment ; to which he was unwilling, because he doubted of her legitimacy ; (for he was divorced from her mother, for her notour adultery :)

The Lords found him liable to aliment her ; but, in regard he offered to take her home to his own house, assoilyied him from any modified aliment ; and ordained her to go home, and stay with him ; and would not astrict him to entertain her elsewhere, unless he had beat her usually.

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1682. *March 1.* ANDREW DICKSON *against* JOHN RAE.

ANDREW Dickson against John Rae, upon the indentures. The Lords, upon Drumcairn's report, ordained John (since he had deserted his employment, for the test, so that he could not teach him,) to give back the half of the apprentice fee, *viz.* £50 Scots, the half of the time being yet to run ; and would not summarily *hoc loco* take in several malversations, alleged by John to have been done to him by his said apprentice ; but reserved them to be pursued *via actionis* as accords. Then Andrew gave in a bill craving expenses ; which the Lords denied to grant.

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1682. *March 8.* GEORGE BANNERMAN *against* MALCOLM of BALBEDIE.

MR George getting a new gift from the king, of being chamberlain of the king's rents in the Stewartry of Fife ; Balbedie competes on an old gift he had, clad with possession. ALLEGED,—He had lost it ; because he had not taken the test. ANSWERED,—This office was not comprehended nor expressed in the Act 1681, anent the test. REPLIED,—The general clause includes it. DUPLIED,—He was *in bona fide* not to guess or divine that ; and he is now willing to take the test ; and *res adhuc est integra, et est locus penitentiae*.

The Lords found, that, since he had not taken it before the 1st of January 1682, fixed by the Act, he had lost his office : and would not allow him to take it now.

This extension is dangerous ; and, *a paritate*, may reach commissioners of excise, baron-bailies, (both which were once spoken of in the Parliament to be included, but were *de industria* omitted, that they might be free of the test ;) and many others, who do not look on themselves as in public offices.—Balbedy's son