liam Shand's name to be expunged out of the commission, in regard he had deponed already before the Lords at Edinburgh; unless they condescended, on pertinent grounds, to urge a reëxamination. And, *4to.* They modified to the relict, and the heir, her son, for their aliment in the *interim*, during the dependence, till probation be led and advised, £1000 Scots; to be paid by the factor, on her bond to refund, if, in the event, no aliment shall be found due. What moved the Lords was, This was not in the case of a common aliment, which uses not to be granted except there be a clear visible superplus above the payment of the creditors, but was founded on the statute of James V, 1535, ordaining the wardator to aliment the ward-vassal while minor, if he has no other lands; and which was a preferable debt. Likeas, the teinds held not ward, and yet were possessed by him; and, though the donatar alleged he had no intromission, and was content to take home the child to his own family, yet the Lords remembered that both these were repelled in the case of *Sibbald of Keir* against *Sir Alexander Falconer of Glenfarquhar*, 19*th February* 1679, unless he instructed that he was legally excluded. *Vol. I. Page* 632.

1694. *July* 17. CHIRURGEON-APOTHECARIES of GLASGOW *against* The MAGISTRATES.

PORTERFIELD, Houston, &c. chirurgeon-apothecaries of Glasgow, against the Magistrates thereof, in a suspension on a declarator of exemption and immunity from paying cess, in regard King James VI, in his letter of privileges, exemed them, in 1599, from all watching, warding, stents, and taxations, both for skill, and because they had the inspection of the apothecaries' drugs for the five neighbouring shires, and so it was onerous; and the same was ratified in the Parliament 1672. The Magistrates ANSWERED,—That the public Act of Parliament derogated from all these private exemptions; which might operate *quoad* stents imposed by the Town's own authority, but not as to the King's, imposed by Parliament. And it was remembered that, on the 13*th November* 1689, *Doctor Irvine* craved the like privilege on his patent as historiographer, and it was refused; though, in 1687, the *King's Tradesmen* claiming, the Lords found it put them *in bona fide* to exeme them for bygones, but not *pro futuro*. There is a difference, also, whether the cess is imposed on them for their houses or for their trade and employment; and their ratification did not express stents, but run in general terms.

The Lords found thir chirurgeons could plead no exemption from the present cesses; and therefore repelled their declarator, and decerned.

Vol. I. Page 633.

1694. *July* 17. ANDREW CASSY, Slater, *against* JAMES BAIN, Wright.

THE case of Andrew Cassy, slater, against James Bain, wright, was re-