

cedure, either in the church-courts or in private admonition to the parties themselves, was a matter merely ecclesiastical; but to propagate in public companies a story highly prejudicial to the reputation of a parishioner, or even to give it as a reason for his conduct, could not be justified by the character of a minister.

No 186.

A proof was allowed; on advising of which, the LORDS found, "That the pursuers have proved the facts set forth in their amended libel, and that the defender was liable to them in damages and expenses."

Lord Ordinary, *Kennet*. Act. *Crosbie, Elphinston, James Grant* Alt. *Ilay Campbell, Robertson*.
Clerk, *Menzies*.

Fol. Dic. v. 3. p. 346. Fac. Col. No 77. p. 132. & No 127. p. 201.

1781. December 21. MACQUEEN and SPOUSE, Petitioners.

DURING the dependence of the question between the petitioners and Mr Grant their parish minister, *supra*, No 186. p. 7466, Mr Grant requested the presbytery of Abernethy to take cognisance thereof. The presbytery gave a deliverance, declaring their opinion, "That Patrick Macqueen and his wife were not to be admitted, but to remain suspended from church privileges during the dependence of the action against Mr Grant; but that, upon their renouncing that process, and giving proper satisfaction to the presbytery, and conforming to the laws of the church, they should be restored to their former situation."

No 187.

Macqueen and his wife preferred to the Court of Session, a summary petition and complaint against this sentence, as oppressive, and highly derogatory to the dignity of this Court, before which the action depended; and concluded for a proper censure upon Mr Grant, and for such relief and protection to themselves as should be deemed necessary.

The petition was refused as incompetent.

For the Petitioners, *Crosbie*.

C.

Fac. Col. No 17. p. 35.

1785. November 17.

JOHN RUTHERFORD *against* The PRESBYTERY of Kirkcaldy.

THE Presbytery of Kirkcaldy having taken offence at the behaviour of Rutherford in their court, on occasion of the settlement of a minister, as disrespectful, and otherwise improper, passed a sentence, by which he, a writer by profession, and who had acted as an agent in causes before them, was "declared incapable of appearing in future in that character at the bar of this

No 188.

A sentence of a church-court affecting a party's civil concerns, though arising inci-