

1693. *January 24.* MARGARET OGILVY, LADY REDELOCK, and ROBERTSON of Faskally *against* GEORGE KEITH of Whiterigs.

MARGARET OGILVY, Lady Redelock, and Robertson of Faskally, now her husband, against George Keith of Whiterigs, sheriff-depute of the Mearns. The Lords adhered to their former interlocutor, and found the contract being entered into by him in contemplation of his succeeding as heir male, and he being debarred by the daughter, there being no tailyie, the said contract fell to the ground, not only *quoad* the provisions to the daughters, but also to the wife's liferent. Some of the Lords inclined, if she had sustained damage by this transaction, in forbearing to crave her jointure from the tenants, that George Keith, in that case, should pay her bygones, though the contract be annulled *pro futuro*; but the rest considered that he, within a few days of the contract, reclaimed, whenever he discovered that he was debarred from the succession; so that he could not be liable for her bygones, unless he intromitted with the rents of her liferent lands.

*Vol. I. page 549.*

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1693. *January 24.* GEORGE M'KENZIE of Rosehaugh *against* The TOWN OF ELGINE.

The Lords found the extract of the act out of the Town Council books, settling L.40 Scots yearly of pension on Sir George M'Kenzie, as their advocate, sufficiently probative against the town; but did not find their other act, bearing, he was yearly paid thereof by their treasurer, probative, for the said town; seeing their books proved against them, but not for them: reserving action to them against their clerks, as accords, for giving out such extracts. And found the letter produced, wrote to them by Sir George M'Kenzie when he was made king's advocate, showing he could not attend their affairs, nor lead their processes, was a renunciation of the pension after that; and that his proposing his brother Mr. Coline to succeed him in their affairs, was not a conditional reservation to return again to himself if they should not employ Mr. Coline, but was only a recommendation.

*Vol. I. page 549.*

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1693. *January 24.* JOHN ELIES *against* ANDERSON.

THE mutual bills between Mr. John Elies and Mr. Anderson being considered, after each of them had consigned six dollars to the poor's box, by which the Lords declared their dissatisfaction at the process; they found, that each of them had used opprobrious expressions against one another, and that it was not fit to encourage such defamation amongst so near relations, as father and son-in-law;