

1693. *January 26.* MARGARET FORBES *against* The MAGISTRATES of Aberdeen.

MARGARET FORBES, relict of Mr. John Menzies, professor of divinity at Aberdeen, against the present Magistrates. The Lords assoilyied the Town from all augmentations of his salary preceding 1671, because then, by a general discharge, he had discharged that year and all precedings. But for the year subsequent, and during his service, they found the Town liable for the full extent of the value of these mortifications which were specially destinate for the stipend of the Professor of Theology; and thought his annual discharges of his salary did not cut off his claim, though they did not specially reserve it. *Vol. I. page 551.*

1693. *January 26.* ANDREW URIE *against* JAMES SCOTT.

MR. ANDREW URIE's pursuit against James Scott, sheriff-clerk of Edinburgh, was readvised; and the Lords altered their interlocutor, and found, that these words 'of the faculty of contracting debts,' were not to be taken disjunctively and simply by itself, but to be conjoined with the preceding clauses of granting wadsets and infeftments, as appears by these words, 'of contracting debts thereupon,' and the copulative *and*; which must necessarily import, by giving a real right upon the land; and, therefore, found Mr. James, the father, had not exered the faculty in its specific reserved terms, and assoilyied his son. Yet see 12th July, 1671, *Lermont. Nota.*—The Lords were equally divided in this cause, and the President's vote carried it for James Scott. *Vol. I. page 551.*

1693. *January 27.* HELEN INGLIS *against* GEORGE JOLLY.

HELEN INGLIS, relict of Cruicks, a wright, against Mr. George Jolly in Prestonpans. The Lords admitted his defence, (seeing the decret was turned into a libel,) that he paid out for 400 dales to Normand Blackadder in Cockenny, towards the building of the house, which the wright was bound to have furnished; and found he might have a term to prove it, seeing it was not a compensation, but *super eodem subjecto* whereon the contract betwixt them was made. And as to his allegiance of L.200 Scots of damage, through his not perfecting the bargain in due time, the Lords granted a probation, that there was an additional work beyond the first agreement, and that they were impeded by the Castle of Edinburgh's holding out in 1689,—this tenement lying in the Castle-hill.