

1683. *February 21.* AIKMAN, Lady Pitcairly, *against* The EARL of HADDINGTON.

AIKMAN, Lady Pitcairly, as executrix to her husband, against the Earl of Haddington, for an account of writings and debursements for the late Chancellor Rothes, which Haddington had subscribed with this condition, If the articles were just. And she offering to instruct them by production of Pitcairly's count-book, where they were all standing unscored :

The Lords, on Forret's report, found the Earl's subscription not obligatory, unless they otherwise prove the writings and debursements ; which they allow her to do by Pitcairly's servants at the time. *Vol. I. Page 220.*

1683. *February 21.* AIKMAN, Lady Pitcairly, *against* MONCRIEF of RIEDY.

MONCRIEF of Riedy being also pursued by her for an account, and he producing a discharge relative to another account, bearing that Mr John Bayn discharged him of all the articles of writing and others ; it was objected, This was not a general discharge, because it was only of the other articles contradistinct from writings.

The Lords found this discharge comprehended all preceding the date.

Then they offered to prove, by his oath, that this was yet resting, and was not then included nor communed on. This was of consent found relevant.

*Vol. I. Page 220.*

1683. *February 22.* EARL of TWEEDDALE *against* EARL of LAUDERDALE.

IN the spuilie of the teinds of Inverkeithing, pursued by the Earl of Tweeddale against the Earl of Lauderdale ; the Lords, before answer to the nullities objected against the tack given, in 1641, by the King to the Earl of Dumfermline, of the Lordship of Dumfermline, as set of the annexed property, without a previous dissolution ; ordained Tweeddale and the defender, to count and reckon if Tweeddale was paid of the sums for which he and his father was engaged as cautioner for the late Earl of Dumfermline.

This was to bring in my Lord Dumfermline's claim. *Vol. I. Page 221.*

1683. *February 22.* M'QUEEN of CORRYBURGH *against* M'INTOSH.

The Lords, on Kemnay's report, found the marriage was not sufficiently nor legally instructed by the testificates of the ministers, and extracts out of