

resenting, attended Sir G. M^cK. at twelve o'clock that day, and gave him a challenge. Whereof the President and some other Lords being informed, they put them both under arrest; and next day citing them before them, caused them find caution to keep the peace under the pain of 10,000 merks, and proffered them a bond to be subscribed for that effect. Which Mr G. B. refusing, was ordered to prison, but was only attended by a macer till six o'clock at night; at which time he engaged.

The Lords fell upon sundry models of the outer-house, to please the Lords and others: but it was to no purpose.

Advocates' MS. No. 530, folio 272.

1677. *January.* ANENT THE PRIVILEGES OF ADVOCATES.

BAILIE CHARTERIS about this time imprisoned Mr Thomas Baird in the Tolbooth of Edinburgh, whereupon a great complaint was made by the Advocates. See the story of it, and about the privileges of Advocates, and anent the town officers pointing a silver dish from George Stewart, Advocate, for not paying annuity, &c., in my manuscript containing the occurrences emerging in the session, page 4 *et seq.*

Advocates' MS. No. 531, folio 272.

1677. *January 17.* The COUNTESS DOWAGER of ERROL, *contra* The EARL of ERROL.

THE Lords having this day advised the point mentioned *supra*, in July, 1676, No. 492, § 5, whether, *in debito annuo*, the election should be made once for all, or *quotannis*; and the Lords found the Earl ought to choose either money or victual; and which of the alternatives he elected, it behoved to stand for the rule in all time coming, since it were very hard for the liferentrix that the fiar should give her money, when the victual sold at a high rate, and victual again when it was cheap. And assigned to him the 15th of February, betwixt and which the Earl should declare his option by a declaration under his hand to the clerk, to be inserted in the decret; else they decerned for victual, the Countess electing that. The Earl elected victual.*

2do, In the other process betwixt them, whereby it was admitted to her probation that the mains of Essilmont paid victual, the Lords this day advising the depositions, found in respect of their unclearness, some deponing money, and some victual, the probation resolved in an equality, and therefore (as in *causis dubiis*) divided it into half money and half victual. See the information of it beside me.

The 3d process was the cognition anent the condition of the Tower of Essilmont,

* *Vide L. 5. in princ. ibique Gothofredum in notis, D. De Legatis, 1mo; L. 20, D. De optione legata.*