

idiot, yet they thought they could not authorize his administrators to such an extraordinary act. *Vol. I. page 538.*

1693. *January 10.*—After a great debate, Lessly of Balquhane's adjudication against Irvine of Drum, (*vid.* 23d Dec. last,) was ordained to be extracted; though it was urged, to restrict him to a special adjudication, that by the articles of the minute he had obliged himself, on payment of his annualrents, not to be first adjudger. *2do*, That they would give him a progress, purge incumbrances, and cede the possession. But they failed in all these. *Vol. I. page 543.*

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1693. *January 10.* The COUNTESS of KINCAIRDEN *against* MAGHIE of Ballmaghie.

IN the Countess of Kincairden's pursuit for avail of Maghie of Ballmaghie's marriage, the Lords abstracted from the general point of law, and modified it to two years and a half's rent; without determining what should be the precise time at which the estimation should be made, and which of thir four periods to fix on, viz. the ward-vassal's age of fourteen years, when he is marriageable, *et cessit dies obligationis*; or twenty-one years, for then *venit dies*; and the superior or his donatar may exact it; or when the superior requires him; after which requisition, he becomes liable on the double avail; or, *4to*, when he actually marries. Some were for making it eighteen, which is the age in law called *plena pubertas*, but it is fit the Parliament clear this; for his estate may increase after fourteen, by adventitious accessions; or may be diminished by mispending; and it is hard that the superior should either gain or lose by these accidents. See *Stair*, 5th January, 1681, Dun.

*Vol. I. page 543.*

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1693. *January 11.* GEORGE MACKENZIE of Rosehaugh, *against* GEORGE LOCKHART of Carnwath, and his TUTOR.

GEORGE MACKENZIE of Rosehaugh, and his mother, against George Lockhart of Carnwath, and Lord Castlehill, his tutor. The Lords sustained the consignment of the money made by Rosehaugh, to liberate him from annualrent; and ordained Carnwath to take it up, and to be at the charges of lifting it, seeing it was offered *debito tempore*, before the term of Martinmas last, and Castlehill declared he would take it, seeing the Lady Rosehaugh would keep it no longer, and instruments were taken thereupon: though it was alleged that the consignment was past from by posterior communing. But the Lords did not regard discourses of agents. *Vol. I. page 543.*