

Henderson **OBJECTED**,—That the Bailies had refused to examine on thir interrogatories, If he had not clandestinely conveyed his estate to his lady and children, and other creditors he had compounded with, in defraud of him? and they had unjustly restricted the warrandice of his disposition only to facts and deeds since the decret, in prejudice of an inhibition he had served on the dependence.

The Lords were sensible the magistrates had generally abused the power given them by that Act, in exorbitant modifications of aliment, and liberating debtors if the same were not paid, and that it deserved to be rectified; but found this complaint came not regularly in, and therefore refused to interpose; but left the Magistrates to proceed as they would be answerable: and if James Henderson found himself lesed by their interlocutors, he had his remedy, by offering an advocacy from them.

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1704. *June 13.* JOHN MITCHELSON *against* GEORGE JOLLY.

JOHN Mitchelson, keeper of the register of hornings and inhibitions, gives in a complaint, bearing, That one George Jolly had yesterday come to his office, and craved a sight of their minute-book, which is patent to all the lieges, and had vitiated, scored, and cancelled an inhibition served in April last against his brother; and that he had detained the person to present him to the Lords; who calling for him, and examining him, he confessed he did it, but said it was through ignorance, because they were going to pay the debt of the inhibition, and so might lawfully score it.

The Lords thought the integrity of the records was of great concern to the people's security, and therefore, on his subscribed confession, fined him in 300 merks, and sent him to prison till he paid it, and aye and while the Lords relieved him; and, by the late Act of Parliament 1701, expressed the cause of his imprisonment in the warrant for his commitment: though his simplicity and ignorance pleaded a mitigation; he supposing that, on his design of payment, he might as lawfully score it as they do protestations at the minute-book of the Session, on production of the suspensions. And, for making up the minute-book, the Lords ordained it to be marked on the margin of the place scored, that it was done by mistake of one George Jolly, who had access to the book, and thought he might lawfully do it; and ordained it to be recorded in the end of the book, with his sentence, that all might see such practices would not go unpunished; and for example and terror to others, the advocates and whole lieges attending were called in to the hearing the sentence pronounced against him: And farther declared, the said minute should be as probative and authentic as if it had never been scored.

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1704. *June 17.* WILLIAM MACCULLOCH *against* MACGUFFOCK of Rusco.

By contract of marriage betwixt Mr William Macculloch, advocate, and Elizabeth Macguffock, daughter to Rusco, there was 9000 merks tailyed and provided in this manner:—To the said Mr William, and Elizabeth Macguffock his