

not his meaning that the vassals should fall under his gift in favours of the creditors; for the vassals, by the very clauses of warraudice contained in their charters from the family of Argyle, were creditors as well as the rest were. Yet this does not determine whether the unconfirmed vassals' properties shall fall under the forfeiture or not; for these, it may be, are reserved to be the foundation of a new donation from the King in favours of some statesmen: so that it was not fully agreed whether this letter meant a favour to the vassals or not.

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1684. *March 5.* AITKIN, BISHOP of GALLOWAY, *against* DUMBAR of GRANGE.

AT the Commission for Plantation of Kirks, Aitkin, late bishop of Murray, now of Galloway, reducing a valuation of some teinds belonging to Dumbar of Grange: and it being alleged that the said decreet of valuation was null, because nothing had followed upon it by the space of forty years, and it was prescribed, because it had never been during all that time extracted:

It was ANSWERED,—That a minute of a decreet was as well a decreet as if it were extracted, and the signatures were warrant enough for it. And the Clerk-Register declared he would require no more but to find minutes in the Register; which was warrant sufficient for him to extend them.

The Lords found Grange ought to have the extract of the said decreet, reserving to the Bishop all his other reasons of reduction as accords of the law.

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1684. *March 6.* SECRETARIES MURRAY and MIDDLETON *against* HOPE of GRANTOUN and ANDREW CRAWFURD.

THE two Secretaries of State, Murray and Middleton, pursue Hope of Grantoun, as tutor to Hopeton, and Andrew Crawford, Sheriff-clerk of Lithgow, for declaring his right to the said sheriff-clerkship null, because it flowed not from the Secretaries of State, who have the power through all Scotland of placing the Sheriff-clerks. He defended on two gifts; one from Hopeton, who, being an heritable Sheriff, had power to place his own clerk, as all other heritable Sheriffs have. The *second* was a deputation from the King, when the last Hopeton's sheriff-ship was declared void, through his not taking the test, in November 1681.

ALLEGED,—None of thir were sufficient to maintain against the Secretaries, who, *quoad* this casualty and perquisite of their office, were founded *in jure communi* and a general custom and possession.

This debate being advised on the 11th of March,—The Lords sustained Andrew Crawford's gift, wherein he was conjoined with Mr Andrew Ker; and found these conjunctions to the longest liver lawful; though thereby the succeeding Secretaries are forestalled and deprived of a casualty, which may be thereby hindered from falling and existing in their time. But thir conjunct

gifts were sustained before, 29th June 1677, *Archbishop of Glasgow against The Commissary Clerk of Peebles.*

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1684. *March 6.* JAMES REID *against* JOHN REID.

JAMES Reid, merchant in Edinburgh, against John Reid, skipper in Leith, is debated, and decided, anent the setting of a ship, and reducing a decret of the Admiral's. The Lords found, though the set expressed no more but only James Reid and the skipper; yet it behoved to be interpreted not only for the skipper's four parts of the ship, but also for the parts belonging to the other owners, who were called as defenders and joined with the skipper; and so decerned against James for the price of eight sixteen-parts. But, in regard the skipper had not yet, upon oath, given in an inventory of the ship's whole furniture and tackling, they ordained him to depone thereanent: though James was at a great loss by the eleven months' delay, and plea; so that the ship was turned unserviceable; *et res non erat amplius integra.* *Vol. I. Page 279.*

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1684. *March 6.* SIBILLA ARNOT *against* ROBERT YEAMAN.

SIBILLA Arnot having given in a bill against Robert Yeaman, portioner of the Nungate of Haddington, bearing that she, as heir served to her goodsire, had an improbation depending of his rights of some lands which his father had acquired from her goodsire; and, *medio tempore*, craved some modification and alimment from him, his rights being only redeemable, and he being more than paid by his possession and intromission:

The Lords refused the desire of this bill. Yet they had granted the like to Maxwells against Carlisle, *supra*, at the 17th of January 1683.

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1682, 1683, and 1684. JAMES DALMAHOY, &c. Tacksmen of Excise, *against* WILLIAM CLEGHORN, THOMAS BORELAND, &c. Brewers.

1682. *March 28.*—Mr James Dalmahoy, and the other tacksmen of the Excise of Edinburgh, against Bailie Thomas Boreland at the West-port, and some other brewers. The Lords, on Redfoord's report, found the letters orderly proceeded against the brewers,—Dalmahoy and the other chargers finding caution to refund whatever George Miln's brewing should be found to extend to, more than the survey which the tacksmen gave up, upon Sir John Nicholson's decret-arbitral. *Vide infra*, 17th March 1683. *Vol. I. Page 181.*

1683. *March 17.*—Mr James Dalmahoy and the other tacksmen against William Cleghorn and the Brewers. The Lords, contrary to what they did 28th March 1682, do now allow the Tacksmen to prove, by witnesses, that, before the assignation they made of the tack to thir defenders, they had consented