

State, the report of the sub-commissioners was found in the hogsheads as well as the present, and yet the Court sustained the plea of dereliction, as sufficient to bar the approbation. And in this question there is no ground, either in law or in reason, for distinguishing betwixt the case of the Crown and that of the subject. The statute 1600, founded upon by the pursuers, is entirely foreign to this question.

THE COURT 'assoilzied from the approbation.'

N. B. See decision, Stair, 1st February 1671, Ferguson against Parishioners of Kingarth, *voce* PRESCRIPTION.

Act. Lord Advocate. Alt. R. Macquhen. Clerk of Teinds.  
Fol. Dic. v. 3. p. 368. Fac. Col. No 96. p. 243.

No 15.

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S E C T. II.

Not to be prejudiced by the neglect of his Officers.

1528. December 16. THE KING against JOHN GRAHAME.

GIF ony actioun be intentit at the King's instance, the defendar aucht not to obtene ony protestatioun aganis him, albeit he persewit not in time, nor maid na instance; because na protestatioun sould be admittit in the King's actiounis.

Fol. Dic. v. 1. p. 524. Balfour, (DEFENDER.) No 13. p. 296.

No 16.

A. against B.

IN all matters where the King has interest, albeit his officers be not called, yet if the party be perceived to collude to the King's prejudice, the King's advocate may cause call the cause, and get the King admitted for his interest.

Kerse, MS. f. 20.

No 17.

1633. March 12. THE KING against EARL OF STRATHERN.

THE KING, by his advocate, having compeared at a service, and consented thereto, and done several other deeds of homologation thereof afterwards;

No 18.