

S E C T. IV.

Competition Creditors with the Donatar of Forfeiture.

1611. *May.* OFFICERS OF STATE *against* INGLIS.

No 31.
A man being fugitive for treason, although neither forfeited nor at the horn, yet being under summons, it was found, that his lands and goods could neither be poided nor comprised, he being *sub reatu.*

WALTER GEDDES having clipped money, as well of the King's cunzie as of foreign Princes, and outted the same in St Andrew's and Edinburgh, and other parts of the country, as well to Scotchmen as to Fraeminger an Englishmen, and others; and upon the apprehension of some rogues money with Fraeminger, which he had received from Walter Geddes, some at his father's command, the guard being directed to apprehend him, he being once in their hands was per force taken from them, and fled; and a number of clippings, extending to three or four pound weight, being found in his house and brought to the Council; thereafter James Inglis, merchant in Edinburgh, having registered the said Walter Geddes's obligation for a sum of money, for the price of some wines, and thereupon intented comprising of the said Walter's tenement in St Andrew's, the same was discharged by letters at the treasurer's instance; which being called, the said James *alleged*, that Geddes not being forfeited, nor at the horn, his land could not fall to the King, nor he be prejudged of his debt, nor stayed of his comprising. Nevertheless, the LORDS found, that Walter Geddes being actually fugitive for a treasonable crime, his lands and goods fell to the King, and could not be intromitted, poided, nor comprised by any subject, for his debt.

Fol. Dic. v. 1. p. 314. Haddington, MS. No 2187.

* * * Hope reports the same case :

IN an action of advocation pursued by the Treasurer against James Inglis, the LORDS discharged all comprising, in respect Walter Geddes was fugitive for treason; notwithstanding he was not yet forfault.

Hope, MS. fol. 125.

1667. *July 6.*

SIR HENRY HUME, and Others, the Creditors of KELLO, *against* SIR ALEXANDER HUME.

SIR HENRY HUME, and Others, being both creditors to Alexander Hume of Kello, and John Hume his son, apprised the lands of Kello in *anno* 1649.

No 32.
An apprising deduced before treason,