brother; Mr Robert gave in a bill to the Lords, representing this conveyance, and that he had charged and arrested; and therefore craved sequestration of the goods.

The Lords ordained a padlock to be put on his shop, and his household-furniture to be inventaried, and his writs sealed, to be made furthcoming to all parties having interest: seeing he was *in meditatione fugæ* when he made the said right; and so it may be quarrelled on the Act of Parliament 1621, anent deeds of bankrupts.

Quæritur if this sequestration would hinder a lawful creditor to poind.

Then Mr Lauder, on a bill to the Lords, got a deliverance, on the 29th of March, ordering him to cause inventary the goods in the shop, and to roup them to the best avail, and to take off the padlocks off the shop-door, that the landlord may set it at Pasch to some other tenant; and allowed Mr Robert Lauder, as now donatar constituted to his escheat, to sell and intromit *medio tempore*, lest they perish, or the ware turn unfashionable. *Vol. I. Page 278.*

1684. The KING'S ADVOCATE *against* The CREDITORS of the EARL of ARGYLE.

January 29.—THE King's Advocate upon a bill gets his cause against the Creditors of the Earl of Argyle called summarily; against whom he alleged, That his Majesty's gift of forfeiture, in favours of his creditors, did not extend to the properties of those vassals of Argyle which fell in the King's hands through their not being confirmed before his forfeiture; seeing these vassals' estates were no part of Argyle's fortune at the time of his forfeiture; and it was the King's design to dispone and convey no more to Argyle's creditors than what was his, the time of his forfeiture; and therefore, that the vassals' estate still remained with the King, and he was not denuded thereof; nor had the creditors any *jus quæsitum* thereto. And that the creditors could not say that it was upon the faith or in contemplation of these vassals' estates that they lent Argyle their money; and so they lose nothing of what they then relied on for their payment.

It was ANSWERED, for some of the creditors, (for they were not cited in the ordinary way, but only at the market-cross of Edinburgh generally,)—That they opponed the King's signature and charter under the Great Seal, whereby the King had disponed, to them and others, all the benefit that had accresced and befallen to him through the Earl's forfeiture. But, *ita est*, under that generality the unconfirmed vassals' estates and properties will also fall to them.

The King's Advocate enlarged on the King's *jus supereminentis dominii* over the goods and possessions of his subjects, where the public good was concerned, from Grot. *lib.* 1, *de Jur. Bell. et Pac.* But see Zeiglerus in his animadversions upon him, who calls this *eminens dominium, figmentum Grotianum.* This was continued to a farther hearing. *Vide* 5th March 1684. *Vol. I. Page 265.*

March 5.—There is a letter from the King, anent the Earl of Argyle's vassals, mentioned 29th January 1684. The King, by this letter, declares, it was

not his meaning that the vassals should fall under his gift in favours of the creditors; for the vassals, by the very clauses of warrandice 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. *Vol. I. Page* 279.

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. *Vol. I. Page* 279.

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 Crawfurd, 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 Crawfurd'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