

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