

The Lords likewise granted the desire of this petition ; and appointed — to take his oath of knowledge in relation to that bond, in the vacance.

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1684. *March 29.* THOMAS ROBERTSON *against* WILLIAM LAMB and WILLIAM GILCHRIST.

THE case of Thomas Robertson, with William Lamb and William Gilchrist, merchants in Edinburgh, was advised summarily ; (both parties having consented to the summary discussing thereof ; ) and the Lords found, by the depositions of the customers, waiters, and porters, that the 2000 deals in controversy were not confiscated by any fault of Thomas Robertson, but through the Norway skipper's short report of 7000 deals only, and concealing this 2000 ; (this differs from a short entry ; ) and therefore found Thomas liable only in the price of the 7000 deals : though he bought the whole cargo, yet the confiscation not arising from any fault in him, it could not be upon his peril : and therefore assoilyied him from the rest.

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1684. GRAHAM of CLAVERHOUSE *against* The EARL of LAUDERDALE.

*January 24.*—COLONEL Graham of Claverhouse insisting against the Earl of Lauderdale, upon the king's letter, to dispone to him the house, yards, and parks of Dudhope, with the constabulary of Dundee, he paying 20 years' purchase for it to the Chancellor,—to which 20 years' purchase, Lauderdale, on his transaction with the Chancellor, was assigned :—It was ALLEGED,—*Esto* this were the king's cause, yet, not being called within 48 hours after the returning of the process, he behoved to have 15 days' advertisement, conform to the 16th Act of Parliament 1672, ratifying the regulations : which he had not got.

The Lords repelled this, in regard the king's letter mentioned *supra*, 13th December 1683, recommending to them to agree, was a *medium impedimentum* ; and there was but 48 hours between the upgiving of the tryste and the calling, which satisfies the Act of Parliament.

Then ALLEGED,—The sum of £4000 sterling of the Mint-decreet being gifted to Claverhouse, the king was denuded, and it came to be in the case of a common donatar ; who had not the privilege of a summary calling, but behoved to abide the course of the roll.

The Lords find the letter made it still as if it were in the case of one of the king's own causes.

After repelling thir dilators, then Claverhouse insisted that Lord Lauderdale might either purge all the incumbrances that affected the house and yards, or else give him real warrandice out of his other estate.

The Lords delayed to answer to this, seeing the offer of absolute warrandice may satisfy ; for, by an inhibition served upon it, it may be made more effectual than real warrandice, which is restricted to a particular subject, out of which it