

issue briefes to the Commissary of Argyle, to supply the Sheriff's place. *Quær.* if it must be under the quarter seal. The macers would have been more proper to the service : but that way was dearer than to do it at home.

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1672 and 1682. SIR ROBERT MURRAY *alias* CRIGHTON, *against* RICHARD MURRAY of BROUGHTON.

1672. *February 6.*—IN the improbation pursued by Sir Robert Murray, *alias* Crighton, against Sir Richard Murray of Broughton, of a lease and release of lands in Ireland, pretended given to him by the late Earl of Annandale ; the Lords found themselves judges competent, though the subject matter of the debate lay without their jurisdiction, *viz.* lands in Ireland, because the parties were both Scotsmen, and the deed was pretended to have been done in Scotland before Scots witnesses ; and granted certification against the writs craved to be improven, if he produced them not betwixt and the 25th of this month. But,—because he alleged that this very lease having been quarrelled by this pursuer before the Judges in Ireland after trial there taken of its falsehood, it was found by an inquest to be a true deed, and so being *res judicata* there, it can never be more called in question here ;—The Lords declared they would stop the certification, if, betwixt and the said day, he produced to them sufficient documents instructing that it was *res hactenus judicata* by the Courts of Common Pleas and Chancery in Ireland. See the large informations of it.—See thir parties, *24th July 1678.*

*Forum est competens, vel ratione originis domicilii, rei sitæ, loci contractus, vel delicti.*  
*Advocates' MS. No. 318, folio 128.*

[See the intermediate parts of the Report of this case Dictionary, page 4807.]

1682. *November 9.*—IN Murray of Broughton's case with Sir Robert Crighton, (mentioned at the end of February 1680, No. 18, p.348 ;) the Lords having advised the probation, found that Broughton, in June 1663, was not in Ireland ; but, by the records of Parliament, being then a member, he was at Edinburgh ; though it was proven he was in Ireland in May 1663 ; and so found his contumacy not purged. Though he was not then the nearest heir of tailyie to Annandale, a sister being alive : but he was holden as confessed on other passive titles libelled, as vitious intromitter, &c. and so they decerned ; but a third party cannot use this as a probation against him.

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[See the subsequent parts of the Report of this case, Dictionary, page 4808.]

1682. JANET ALISON *against* CAPTAIN ALISON and Mr GEORGE STEILL, Minister at Prestonhaugh.

*March 10.*—THE Lords, on Redford's report, ordain Captain Alison, be-