

lord, but differ by the end or occasion which the Prince  
had when he made them. When he of himself was moved  
to publish some General order for the profit and good of  
his subjects directed either to the people or provincials  
or which was more frequent to the Praefectus praetoris,  
that was called an Edict. Others were called Rescripta  
which were given by the Emperours at the desire of the  
Magistrates, or at the request of private Men. Some were  
likewise called Epistola when the Prince gave answer  
to private Men according to their Claims, or to the  
Senate, to the Consuls, Praetors, tribunes, and  
to the Praefecti Praetoris. There were also some, that were  
called Orationes, directed to the Senate, by which the Em-  
perours confirmed the Decrees of the Senate, and were often  
sent also at the desire of the Senate or of the Senate and  
people together. Constitutions were likewise named  
Decreta, which were pronounced upon acts made in the  
Princes Council; which was when the Prince took Cognizance  
of the cause himself heard the parties and pronounced the  
Decree. This was a commendable Custom of the Emperours,  
never enough extolled by all the authors of the Augustan  
history Many Examples of which

16 January 1734

\* In a process of valuation and sale of Tithes at the instance of the Corporation of B. D. P. against  
the College of Glasgow it was alleged for the college that an Act of Sale of Tithes is not  
competent before the Lords in this capacity because the powers granted to them by their commis-  
sion is relative to the Act of Commission 1693. whereby it is declared that the Commission thereby  
granted shall not be extended to the buying or selling of Tithes belonging to colleges &c. and  
therefore this Court can give no Judgment in this Action, not having proper powers to cognosce  
any ~~other~~ Question with relation to the Sale of Tithes belonging to colleges.  
It was answered for the pursuer, that the Lords powers are general to determine in all  
valuations and Sales of Tithes conform to the General Law and Act of Parliament and  
particularly the Act 1633, and besides the Act and Commission granted in the Act 1693  
Act of the Parliament which is a standing and permanent Law determines the Rules both  
of valuing and buying of Tithes. It is true that by the Act 1693 there are some Tithes ex-  
cepted from Sale, but that being no more than an exception from the General Rule can  
not be pleaded so high as to exclude the power of the Lords from judging any superfluous  
Question which may arise upon the valuing and buying any of the Tithes mentioned in  
that Act, since they and they only have the sole power of judging in all valuations  
and Sales of Tithes, and so cannot be debarred in the process.  
The Lords Repell the Defence, and find that they are in this capacity only Judges  
competent in all valuations and Sales of Tithes, and all Questions relative thereto.