

No. 2. yet were not made for compearance before a Judge. But in this process, albeit this comprising was sustained, the Lords inclined to make a statute, to eschew the like in time to come, that no such acts should be done upon that day, the same being the Sabbath, wherein all acts should cease, which behoved to have a warrant from a Judge, to be given by a Judge that day, seing that day was appointed for divine service, and for no other act.

Fol. Dic. v. 2. p. 405. Durie, p. 262.

1628. June 26. LORD NEWARK *against* MAXWELL, his Son.

No. 3.

Premonition being made to the party's heir-apparent, the Lords sustained the order, although the day assigned to come and receive the sum was a Sunday, because the sum contained in the reversion needed not much telling, being only a rose-noble.

Fol. Dic. v. 2. p. 405. Durie. Spottiswood. Auchinleck.

* * This case is No. 25. p. 13450. *voce* REDEMPTION.

1628. November 19. RAE *against* MAGISTRATES OF DALKEITH.

No. 4.

Magistrates being charged to apprehend a rebel with caption, and the charge being given on Sunday, it was found, That the charge was not null, but yet that the Magistrates were not bound to obey it, being given on such a day; but it being offered to be proved, that the rebel was in the Magistrates' company thereafter, at which time they ought to have apprehended him by virtue of the former charge, the allegiance was found relevant to be proved by their oaths.

Fol. Dic. v. 2. p. 405. Spottiswood. Auchinleck. Durie.

* * This case is No. 22. p. 11696. *voce* PRISONER.

* * See a similar case, 30th July, 1628, Racheld *against* Lauder, No. 36. p. 8132. *voce* LEGAL DILIGENCE.

1663. February 3. CHARLES OLIPHANT *against* DOUGLAS of Dornoch.

No. 5.

Arrestment
executed on a
Sunday null.

Charles Oliphant, as assignee constituted by David M'Brair, charges Dornoch to pay the sum of 1800 merks. Compearance is made for an arrester, as having arrested before the assignation, at least before intimation. The assignee answer-