

1634. *February 11.* LADY BARNS *against* JEAN GUILL.

A SENTENCE obtained before the commissary of Aberdeen, holding the defender as confessed, was found null, because it was given the time of the sitting of Parliament; in which time it was found that no judge could proceed in any part of the kingdom: For the Parliament sitting, which was the Supreme Court and Convention of all the Estates, and proclamation being made to all the lieges thereof, all the lieges were thereby freed from appearing in any other judgment-place, and might in reason attend the Supreme Court, and wait upon the ordinances and laws there to be made,—the extent of that court being universal, and reaching to all the subjects. Neither was it respected, that both the parties were women; whereby it was alleged by the charger, that they had neither necessity to attend, nor was there probability that they should attend at Parliament; for it was found, that no judge ought then to sit, but that all judgments and other courts should be silent during the time of Parliament. Therefore they reponed the defender, who was suspender, to her defences, as the decret were not given; to be proponed in the same place of suspension, without necessity to put the party to any other new pursuit therefore.

*Act.* Oliphant. *Alt.* Heriot. Hay, *Clerk.*

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1634. *March 5.* WHITEFOORD *against* The LAIRD of CRACHLAW.

IN a double poiding betwixt the donator of young Crachlaw's liferent-estate and Crachlaw's creditors, which of them should be answered of a yearly duty addebted to the rebel; wherein the creditors claiming preference to the donator, because the donator had given bond, at the time of the acquiring of the gift, to the treasurer, that the same should not be prejudicial to the rebel's creditors: And the donator answering, that that bond cannot be extended in favours of any creditors but to such as were creditors the time of the gift, and not in favours of any creditors who had acquired their bonds since;—the Lords repelled the allegiance proponed for these creditors, seeing these bonds and obligations were long after the date of the said gift and general declarator; for they found that such bonds, being, as said is, granted by donators to the king's officers, should only extend to debts owing to creditors, before the purchasing of the gift, and to no debt contracted after the gift.

*Act.* Neilson. *Alt.* ———. Gibson, *Clerk.*

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1634. *March 14.* JOHNSTON *against* IRWIN.

ONE Johnston, as assignee made by Irwin of Braes, to an obligation of 1400 merks, addebted to him by another Irwin, pursuing for delivery of the same;