

and none at all, when the Articles were not to sit, during the recess. It was answered, That the Act of Parliament, in the statutory part, gives this allowance, from the first day to the last day of Parliament, without any condition of being absent or present, which the Parliament can only quarrel; and there are no sederunts marked of Parliament, nor any thing in the Act relating thereto. The Lords found the reasons relevant thus, *viz.* That the days should be abated which the Commissioners were not in Edinburgh, or suburbs thereof, and so were not attending the Parliament; and for such recesses of Parliament that were of that endurance that the commissioners of Parliament could conveniently go home, do business, and return, according to the several distances of their dwelling, in which recesses the Articles were not to sit; but that they were to attend, if the Articles sat, to look to the interest of their shires, albeit they were not upon the Articles; and allowed no days to the commissioners for their coming to, or going from the Parliament, in respect of their near distance.

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1674. *June 23.* SIR JOHN SCHAW *against* The FEUARS of PASLEY.

SIR John Schaw having charged certain feuars in Pasley, for their proportion of his charges, as commissioner to the Parliament, upon the Act of Parliament 1661, "Declaring all the vassals of the king and prince, whether the temporality or spirituality, to be liable to the charges of commissioners to Parliament;" which the feuars suspend, on this reason,—That the foresaid Act is derogated by a posterior Act, restoring the bishops to be the third estate; so that they represent the whole ecclesiastical estate: The Lords found, That the bishops did only represent their own vassals; and that the suspenders, being only vassals of the abbacy of Pasley, not belonging to any bishoprick, were liable for their proportion.

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1674. *July 16.* The TOWN of INVERNESS *against* FORBES.

IN the declarator at the instance of the feuars holding of the Town of Inverness, against the Town, decided the 14th day of July instant, it was particularly alleged against Cullodin, That he could not be declared free of the private stents of the Town, because the Town had obtained decret against him, discerning him, "In all time coming, to be liable to the Town's stents, for their particular use, and that upon his own consent;" for the decret bears, "that he was judicially present, and consented;" so that, being both a decret of consent, and *in foro contradictorio* upon a full debate, it was sufficient against him. It was answered, That the said decret was a decret of suspension of a stent then imposed, extending to 35 merks; and, by the decret, it appears that Cullodin consented only to the payment of the 35 merks; which in the dispute bears expressly, "Providing it were no preparative in time coming;" and bears, "That the Lords, of consent, found the letters orderly proceeded for 35 merks;"