

there can be nothing more rational than the method laid down by that noble statute of Parliament, Act 124th, 1429, assuring those countries and states that shall restore shipwrecked goods broken on their shores, they shall meet with the same justice and restitution if their ships break on our coasts. So, if the courts at Westminster shall sustain our decreets as final, we ought to do the like to theirs. But it is known they do not.

Some were for trying if this decreet against Sir John was final by the laws of England. And, *2do*. What authority the decreets of the session had in England and their judicatories.

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1711. *July 25.* MRS LYON *against* The COUNTESS of ABOYNE and LORD KINNAIRD.

Mrs Lyon got summary execution against Aboyne and Kinnaird, on the discussing of her appeal; but, there, the Peers had expressly taxed her expenses to £40 sterling; so there was nothing left to the Lords, but the application and executive part, by giving horning on fifteen days thereon.

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[See the Reports of the Case between these parties pointed out in the Index to the Decisions.]

1711. *July 27.* DAVID SOMERVELL *against* ROBERT SOMERVELL.

DAVID Somervell protested against an interlocutor, in favours of Robert Somervell, who had bought some houses at 2500 merks; and DAVID CONTENDED, That, after his disposition consigned was delivered, the price was still unpaid.

ROBERT ALLEGED,—That the disponent had possessed and uplifted the rents; which must compensate the price *pro tanto*. Which the Lords sustained.

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1711. *November 6.* THOMAS MACKIE *against* The TOWN of EDINBURGH.

THOMAS Mackie, a Popish priest, being apprehended, and their mass-vestments, altars, and crucifixes, being found in his house, the magistrates imprisoned him; and, on a probation, ordained him to remove out of Britain betwixt and a prefixed day; of which sentence he presented a bill of suspension, on thir reasons: *Imo*, That the town were not competent judges to such an extensive penalty; for they could only banish out of their own liberties and jurisdiction, and *extra territorium jus dicenti impune non paretur*. And by the Acts of Parliament against seminary priests, trafficking papists, and Jesuits, they are only accountable to the Privy Council and Criminal Lords of Justiciary; and not