

to be decided within the kingdom, and could not be judged by the law of any other kingdom; which reply the Lords sustained. No 22.

*Haddington, MS. No 3071.*

1626. November 15.

GALBREATH *against* CUNINGHAM.

No 23.

PROCESS was sustained by the Lords upon a bond granted in Ireland, after the Irish form, against a Scotsman, though he, with his family, had resided fourteen years, and were still residing in Ireland, and made denizens thereof; the pursuer having declared that he sought only execution against such lands and goods as the defender had in Scotland.

*Fol. Dic. v. 1. p. 327. Durie.*

\* \* See This case, No 2. p. 4430.

1626. December 8.

LO. BLANTYRE *against* FORSYTH.

No 24.

THE Lord Blantyre pursues James Forsyth for intromission with the monies of umquhile Patrick Mosman, debtor to the pursuer, to make the same forthcoming to him for his debt; this Mosman had fled out of Scotland to Rotterdam in Holland with some monies pertaining to the pursuer, where the said Mosman died; and before his death he delivered the monies to James Forsyth defender, resident then in Rotterdam, to be employed on his funerals, and other business concerning him. The defender therefore *alleged*, That he could not be convened here in Scotland for the alleged debt foresaid, because he, his wife and family, were actual residents in Rotterdam, where they had dwelt these ten years bygone, and yet remain there *animo remanendi*; likeas, the deed is libelled to be done in these foreign parts out of this country, and so *neque ratione rei, neque personæ* it is competent to the jurisdiction of the Lords. This allegiance was repelled, because the parties were all Scotsmen, but the LORDS sustained the process before them, to produce execution only against the defender's goods and lands which he had within Scotland, and no others.

A Scotsman residing in Holland *animo remanendi*, being pursued in Scotland, process was sustained against him, but only to produce execution against his goods in Scotland. The reverse of this was found, No 23. p. 4816.

*December 9.*—IN this abovementioned cause of the Lord Blantyre's, wherein he pursued by his summons, that it might be tried that Mosman intromitted with his monies, and fled therewith out of Scotland; and that Forsyth, defender, after his decease intromitted therewith, and with his goods and gear, and so should pay the money libelled to the pursuer; it was *alleged* for Forsyth, who was convened as intromitter with Mosman's goods and gear, that this action pursued against him as intromitter could not be sustained, until first sentence were recovered against the heirs or executors of umquhile Mosman, or some to repre-