

fore any Scots Judge, because they dwelt presently in England, where they have dwelt these twenty-four years continually *animo remanendi*, and therefore ought only to be convened there, seeing *actor sequitur forum rei*, and that the subject is for a bargain made in England, and for English business; the LORDS repelled the allegiance, seeing the bond was made betwixt Scotsmen, and to have execution for Scots goods lying in Scotland.

No 29.

Act. ———.

Alt. *Johnston.*Clerk, *Gibson.**Fol. Dic. v. 1. p. 327. Durie, p. 889.*

1682. February.

Mrs BROOMLEY *against* Sir ALEXANDER FRAZER'S Relict, Her Mother-in-law.

No 30.

IN an exhibition at the instance of Mrs Broomley, against the relict of Sir Alexander Frazer, of all deeds made by him wherein any clause was conceived in favours of the pursuer,

Alleged for the defender; That she not being a Scotswoman, but living in England *animo remanendi*, was not liable to answer any pursuit here, having only a personal conclusion against her.

Answered; The defender is liable to the Scots jurisdiction, in respect she has a jointure in Scotland, against which there might be execution for damage and interest, in case she did not exhibit.

THE LORDS considering this was a new case, delayed to determine it; but they inclined to assoilzie the defender.

Harcarse, (EXHIBITION.) No 481. p. 131.

1697. July 14.

STUART *against* SCOT.

No 31.

ARBRUCHELL reported Mr John Stuart younger of Blackhall, against Jean Scot, liferentrix of the lands of Mearns, and now spouse to Drummond of Hawthornden. It was an advocacy of a pursuit against her, before the Sheriff of Renfrew, upon the act 25th 1491, and act 15th 1535, to find caution to uphold and repair the houses on the liferented lands. The reason of advocacy was, I live not within the shire of Renfrew, *et actor sequitur forum rei*; and so you cannot convene me *extra territorium*. *Answered*, The acts of Parliament allow an edictal citation at the market-cross where the lands lie; and I, *ex superabundanti* have by a supplement cited you on my libel. *Replied*, Letters of supplement are only designed for citing of persons called for their interest, as in actions of making forthcoming, &c. but never against principal parties called as defenders. THE LORDS, considering the competency of jurisdictions, remembered the rules of law are, that *unusquisque forum sortitur vel*

A liferentrix was pursued before the Sheriff, where the liferent lands lay, to repair the houses thereon. The Lords advocated the cause, because the defender did not reside within the same county.