

No 390. power in that matter, but to call a meeting of the heritors; and, in default of such meeting, to apply to the Commissioners of Supply, to modify a salary, not under 100, nor above 200 merks, and to assess the lands in the parish proportionally. Indeed, the act gives no power whatever to the Presbytery, in a case like the present, where a schoolmaster is already settled, with a salary considerably above the *maximum*.

“ THE LORDS found, that the Presbytery has no jurisdiction in this matter; and, therefore, advocated the cause, and assolzied.”

Reporter, *Pitfour*.

Act. *Macqueen*.

Alt. *Solicitor Dundas*.

*G. F.*

*Fac. Coll. No. 74. p. 318.*

#### DIVISION XIX.

### What Courts competent for Registration, in order to do Diligence.

1692. November 8. SHAW against KENNEDY.

No 391.

A BOND, registered in a jurisdiction where the debtor dwells not, is a null decree, as pronounced *a non suo iudice*.

*Fol. Dic. v. 1. p. 510. Fountainhall.*

\* \* \* This case is No 72. p. 2146. *voce* CAUTIONER.

1703. February 3.

No 392.

It was objected against some arrestments, that the bonds on which they proceeded, though for considerable sums were registered in the Commissary-court books, on which registration no di-

SIR GEORGE WEIR of Blackwood against WILLIAM COCHRAN of Kilmarnock, and Others.

IN the competition betwixt Sir George Weir of Blackwood, William Cochran of Kilmarnock, and other Creditors of John Corse, merchant in Glasgow, it was objected by Blackwood, that though his arrestment was posterior in date to the other creditors, yet it was preferable in law, because he had registered his bond in the books of Session, and taken out letters of arrestment thereon; whereas Kilmarnock's bond was only registered in the Commissary-court books of Glasgow; and on their precept the arrestment is laid on, which is null, being *forum incompetens* for so great a sum as 3000 merks, *et ultra vires*