

THE
DECISIONS
OF THE
COURT OF SESSION.

ABBNEY OF HOLYROODHOUSE.

1668. January 7.

THE Lords, upon debate amongst themselves, thought that the Abbey, being his Majesty's house, should not exempt or protect any person against his Majesty's laws, and the execution of letters of caption, and therefore recommended, to the keeper of the Abbey, to put the debtor out and not to shelter him there.

Fal. Dic. v. 2. p. 361. Dirleton, p. 52.

1708. June 12. COCKBURN, *Supplicant.*

RICHARD COCKBURN elder of Clarkington, having retired to the Abbey, to save him from captions at his creditors instance, he there contracts about L. 35 Scots, in a change-house, for meat and drink furnished to him; and he being pursued before the bailie of the Abbey, a decret is taken against him, holding him as confessed, and thereupon he is incarcerated in a prison they have for delinquents, or such debtors.—He gives in a bill of suspension, craving to be set at liberty on these two reasons: *1mo*, The decret was *a non suo iudice*, they having no jurisdiction for cognoscing on debts. *2do*, He craves to be reponed to his oath, there being no other mean of probation against him.—*Answered* to the *first*, They were most competent to debts contracted within the precinct of the

VOL. I.

A

No 1.

It was the opinion of the Court, that the Abbey should afford no protection against diligence.

No 2.

The jurisdiction of the bailie of the Abbey.

The right to have a prison there.