

No 80.

defendant to impeach the justice thereof, or to show the same to have been irregularly obtained. It is therefore ORDERED and ADJUDGED, That the several interlocutors complained of be, and the same are hereby reversed.

Fac. Col. No 13. p. 384.

No 81.

1776. December 13. JOHNSTON *against* CRAWFORD and MEASON.

THE LORDS found, that a decree-arbitral pronounced between parties in Holland, by Dutch arbiters, on which execution was pursued against the representatives of one of the parties in this country, was not challengeable on the head of iniquity.

See p. 669. See APPENDIX.

SECT. II.

Exceptio rei Judicatæ.

1698. January 27. SIR JOHN COCHRAN *against* The EARL of BUCHAN.

No 82.
A bond betwixt two Scotsmen in London, in the Scots form, and registrable in Scotland, was challenged by the granter before the Court of Chancery, and was reduced, the creditor having appeared, but afterwards withdrawn. This was not found such a *res judicata* as to

SIR JOHN COCHRAN having assisted the Earl of Buchan to a great match of an English lady, who had L. 10,000 Sterling of tocher, as *proxeneta* in the case, he got a bond of L. 1000 Sterling if he were able to effectuate the marriage; and, having charged the Earl, he gave in a bill of suspension, on this reason, that finding himself over-reached, and the marriage having taken effect without Sir John's intercession, he had tabled the affair before the Judges at Westminster-hall, the debt being contracted there, and wherein Sir John had made affidavit, and deponed; so that there was not only a *litis pendentia*, but a *litis-contestation* there, which ought to stop any procedure intended here after it was made litigious in England. *Answered*, A pursuit in a foreign judicatory, where both parties are Scotsmen, and the bond drawn in the Scots form of securities, can never afford a declinature of the incompetency of the jurisdiction of the Lords of Session, especially seeing there is not that mutual correspondence betwixt the two supreme courts that the English regard our decreets, but on the contrary rejected them, in the case of Crichton against Murray, *voce Fo-*