

they may hurt be thair sentence, all damage and skaith quhilk they happin to sustene thairthrow; for in this cais *litem faciunt suam*.

No 43

The saidis Lordis of Counsal ar Jugeis competent to the reduction of all decreitis gevin be thame, notwithstanding, be vertue thair of, his landis, aganis quhom the samen was gevin; are comprysit, and infestment or mortificatioun thair of to the kirk followit thair upon; utherwayis it micht follow that the kirk sould bruik and joise ane wrangous possession, the quhilk in that cais hes na mair privilege, bot rather less than hes the temporal estait.

Balfour, No 9. p. 268.

1534. July 16.

A. against B.

No 44

THE Lordis of Sessioun alanerlie, and na uther inferior judge within this realme, ar jugeis to the Kingis actiounis; for his Hienes, nor his Advocat, may not be callit befor ony inferiour juge, bot befor thame alanerlie. The quhilk privilege is likewayis grantit and extendit to the Quenis dowariar.

Balfour, No 7. p. 267.

1541. January 25.

JOHN FINLAYSON against KER.

No 45

THE LORDIS of Counsal, of thair office, may help and supply the irrelevancie of ony exceptioun or allegiance proponit be the partie, throw the negligence and ignorance of him that is procuratour, gif the samin consistis *in facto*.

Balfour, No 10. p. 269.

* * Sinclair reports this case :

JOHN FINLAYSON called against N. Ker, the LORDS found, that, of the practice and consuetude, they may help and supply the irrelevancy of the pleas *ex exceptione* not conceived duly, and so did in the said Ker's exception opponed against violence intended against him by the said John, and so use the Lords to supply and help the fault, negligence, and ignorance of the procurators.

Sinclair, MS. p. 8.

1542. June 28.

FENTON and DOUGLAS against JOHNSTON.

No 46

JAMES FENTON and David Douglas had gotten letters of law-borrowis against Sir John Johnston priest, by the Lords deliverance, which letters the said priest called before the Lords, and asked them to be simpliciter suspended, because

Before the reformation, the Lords were never in use to grant letters of law-borrowis against