

*FORUM COMPETENS.*

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1735. *July 11.*      RAMSAY *against* THOMSON.

No. 1.

DEFORCEMENT may be pursued first criminally then civilly.

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1736. *February 21.*      LEGGAT *against* DUNCAN.

No. 2.

DECREET before the Bailies of Edinburgh against an inhabitant of the Canongate, holding him as confessed in absence, found null as *a non suo judice*; and the answer of *communis error* could not make the defender contumacious, where there was not a *forum competens*.

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1737.

TRAN and his CREDITORS, *against* WEIR, Commissary of Hamilton.

No. 3.

THE Lords found, that since the 26th act 1690, forbidding charges to confirm testaments, the executor may confirm in what Commissariot he pleases upon his peril; and that though it be before an incompetent one, yet the Commissary who is competent cannot issue an inhibition to proceed, nor advocate to the Session on that ground.

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1752. *February 20.*      FITZGERALD and EGAR *against* BONTEIN.

No. 4.

FITZGERALD and Egar's ship being seized and condemned in Jamaica, the decret was on appeal to the King and Council reversed, and the ship