

1781. *June 15.*

Mr JOHN ORR, Advocate, Petitioner.

No 29.
An advocate
may be ad-
mitted notary
public.

UPON the application of an advocate to be admitted notary public, the LORDS doubted how far the two offices could be or ought to be in one person. But the Dean and Faculty of Advocates being consulted, there were found many precedents; particularly Lord Haddington, who was a Judge in the Court, had been a notary public; and Mr Joseph Williamson was one at present; Mr Williamson is one of the city-clerks of Edinburgh; and the petitioner had a view to be city-clerk of Glasgow. (See PUBLIC OFFICER.)

Fol. Dic. v. 4. p. 195. Fac. Col. No 59. p. 98.

1800. *December 9.*MOODIE and Others, *against* Sir JOHN HENDERSON and Others.

No 30.
Relative to
the extent
of freedom of
speech, to
which Coun-
sel are en-
titled.

IN this case, which was an action of wrongous imprisonment, oppression, and damages; Sir John Henderson, one of the defenders, having been cited as a haver, emitted a deposition, upon which the opening counsel, for the pursuers, made some animadversions: In consequence of which, Sir John, who was present, used expressions, which gave occasion to the following deliverance of the Court:—‘ THE LORDS having, upon the suggestion of the Lord President, and upon a motion from the Lord Advocate, as Dean of the Faculty of Advocates, taken into consideration what passed at the bar yesterday, at the conclusion of the pleading in the conjoined actions at the instance of James Moodie and others, against Sir John Henderson and others: Find, that words used at the bar by Sir John Henderson, which implied a challenge to Mr Hope, or tended to provoke him to give such challenge to Sir John Henderson, were highly improper; and call upon the Court to show their disapprobation thereof; and, therefore, they ordain the said Sir John Henderson to be censured from the chair: Find, that the words, used by Mr Hope, importing that he would betray the duty of his profession, if he accepted a challenge for any thing said in his official capacity, as a counsel at this bar, were proper and commendable; and, in regard to the allegations by Sir John Henderson, that Mr Hope used improper expressions, or made an ill-founded attack upon him, in his pleadings at the bar, supersede the consideration thereof until the cause come to be advised.’

In consequence of this reservation, the Court, when they pronounced judgment in the principal cause, resumed consideration of the above matter; and the following was their interlocutor: ‘ The LORDS of Council and Session having, in terms of the reservation contained in their interlocutor, of date 28th November last, resumed consideration of the subject-matter therein alluded to; and having particularly attended to the depositions of Sir John Henderson, baronet, a haver called upon to produce writings, Find no suffi-