

ADVOCATE.

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1592. *January 2.*

AN advocate cannot disclaim his client's superior, without a special mandate.

*Fol. Dic. v. 1. p. 24. Erskine, MS.\**

No. 1.

1605. *June 22.* LORD BALMERINO *against* FORRESTER.

MY Lord of Balmerino President, pursued one Forrester for reduction of certain tacks. Mr Henry Balfour compearing for the defender, refused to take the burden of his cause, unless he had the concurrence of some other; and desired Mr John Ruffell, who absolutely refused to serve against my Lord President; which being reported to the LORDS, by interlocutor They ordained him to serve the party under the pain of deprivation, seeing they were sworn to serve all the King's lieges truly.—That same day a matter being at interlocutor, wherein after interlocutor, and Mr John having borrowed furth a piece out of the process, and being commanded by the Lord Ordinary in the outer-house, to re-deliver the same, and refusing, the LORDS ordained him instantly to re-produce it, under the pain of deprivation.

*Fol. Dic. v. 1. p. 24. Haddington, MS. No. 843.*

No. 2.  
An advocate refusing to act against a Lord of Session, not having a lawful excuse, was compelled under pain of deprivation.

1609. *November 28.* COMMISSARIES of Edinburgh *against* RUSSELL.

MR JOHN RUSSELL, procurator for Bessie Trumbell; and William Trumbell her father, in the action of annulling the pretended marriage betwixt the said Bessie and Robert Naper, depending before the Commissaries of Edinburgh, and in the process of adherence, pursued by the said Robert against the said Bessie, giving in his eiked answers in the said cause of adherence in write, declared that the Commissaries should not be patrons of such a pernicious and shameful cause; and concluded in these terms, And albeit ye knew the said marriage to be altogether

No. 3.  
Advocates entitled to procure in all courts of the kingdom; but an inferior judge, to whom they offer any indignity, may amerciate.

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\* This MS. is not in the Advocates Library. The Editor has reason to expect he shall be able to obtain it; when the particulars of the cases it contains shall be published, in their places of future heads, and in Appendixes for those that may be past.