

No 58.
before an inferior court;
who had been
suspended by
the judge.

and in the process of adherence pursued by the said Robert against the said Bessie, gave 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 contended in these terms. 'And albeit ye know the said marriage to be altogether null and unlawful, yet ye will proceed against all law and justice;' wherewith the Commissaries finding themselves greatly injured, they ordained Mr John to pay L. 12 of amand, and suspended him from procuring before them for a year; whereupon Mr John gave in his complaint to the Lords; and the Commissaries warned to answer to the complaint compearing, the matter was at length disputed upon these two heads; first, anent the power of the Commissaries in general, whether they might suspend or deprive an advocate admitted by the Lords; and next, if this fact of Mr John Russell merited suspension; wherein it was resolved, that the ordinary advocates admitted by the Lords, at their compearance in inferior courts, might so misbehave themselves, as the said inferior judges might justly and lawfully suspend and deprive them from any farther procuring in their courts; and as to Mr John Russell's particular offence, the LORDS found it rash and indiscreet, and the Commissaries punishment very rigorous; and, therefore, calling in the said parties, and the hail advocates who assisted Mr John Russell, as in a common cause concerning all their liberties, the Lords admonished the advocates to be modest, and not to give occasion, by their contempt to judges, to unlaw, suspend, or deprive them; declaring also, that if any wrong were unjustly offered to modest advocates, the Lords would censure and repair it. And as for Mr John Russell, the LORDS ordained him to be more reverent to the Commissaries in time coming, and to delete the words which they found contumelious in his defences; and ordained them to restore him to his liberty of procuration; and thereafter gave him up his supplication, because they would not have any record of that variance to remain.

Fol. Dic. v. 1. p. 495. Haddington, MS. No 1659.

No 59.

1610. July 14.

WEDDERBURN against NISBET.

A MAN being retoured to his predecessor in ward-lands, and his retour quarrelled by reduction, in respect of his minority and less age, qualified by many circumstances in the summons, the defender, in fortification of his retour, offering to prove his perfect age the time of his service, will be preferred. An error of an inquest *in civilibus*, since the erection of the College of Justice has been tried before the Lords, and proved by witnesses, and not referred to a great inquest.—A man's eldest son compearing in judgment in his father's cause, and proponing allegiances, will be reputed his procurator, albeit he produce no mandate.

Fol. Dic. v. 1. p. 495. Haddington, MS. No 1963.