

No 3.
them, or sus-
pend or de-
prive them
from procur-
ing before
him

null and unlawful, yet ye will proceed against all law and justice; wherewith the Commissaries finding themselves highly injured, they ordained Mr John to pay twelve pounds of amand, and suspended him from procuring before them for a year; whereupon Mr John giving 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 therein. It was resolved, That the ordinar advocates admitted by the Lords, at their compearance in inferior courts, might so misbehave themselves, as the saids inferior judges might justly and lawfully suspend or 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 saids 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 was 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. 24. Haddington, MS. No 1659.

1627. December 16. KIRKWOOD *against* INGLIS.

No 4.

ADVOCATES and writers being summoned by an incident diligence, as havers of writs; the LORDS found they might purge themselves by oath, that they had them not, nor had fraudulently put them away; and that no other kind of probation could be used against them.

*Fol. Dic. v. 1. p. 26. Auchinleck, MS.**

1528. November 14. BETSON *against* L. GRANGE.

No 5.
In an exhibi-
tion of writs,
an advocate
was obliged
to depone
as a witness,
as to the de-

In an action of exhibition of writs, Betson *contra* L. of Grange, the LORDS found, That the advocate compearing for the defender, in that same cause, might

* This MS. not in the Advocates Library.