

No 4. 1611. November 9. Ld of JOHNSTON *against* _____.

SUPERSEDERE granted by the Lords, at desire of his Majesty's letter, to the Laird of Johnston, of all actions to be pursued against him till his age of fourteen years.

Fol. Dic. v. 2. p. 83. Haddington, MS. No 2294.

No 5. 1622. December 20. JOSIAS STEWART *against* BARGENY.

JOSIAS STEWART being at the horn for civil causes, and having necessary occasion to compear to be permitted to crave curators to be chosen to his oye, Bargeny's son; the LORDS gave him a protection to that effect.

Fol. Dic. v. 2. p. 83. Haddington, MS. No 2712.

No 6. 1669. December 7. Sir JOHN URQUHART, Supplicant.

SIR JOHN URQUHART gave in a supplication to the Lords, bearing, That he being cited before the Council upon several alleged riots, and fearing that he might be excluded from appearing in his own defence by hornings against him, therefore desired that the Lords would grant suspension of all hornings against him *ad hunc effectum*, only to give him *personam standi in judicio*, but prejudice to the creditors of all other execution;

Which desire the LORDS granted as to all hornings he should condescend upon.

Fol. Dic. v. 2. p. 83. Stair, v. 1. p. 656.

No 7. 1675. December 8. JOHNSTON of Wamphray.

THE act of Parliament against protections, 3d Sess. of his Majesty's 1st Parl. cap. 4. (1663) giving power to the Lords of Session and Exchequer, Privy Council and Justice General, to grant protections to persons summoned to appear before them, is only to be understood in that case when they are obliged to appear personally to give their oaths, or to be witnesses, and cannot appear by procurators; and such protections ought not to be granted upon pretext that processes of compt and reckoning and others cannot be managed without their own presence; and this was found upon a bill given in by Johnston of Wamphray, whereby he desired a protection.

And yet it is thought, that in some cases, where it is evident that there is a necessity of the defender's presence to give information in the point of fact, es-