

take him on his diligence, which they would not have refused ; and he having done it summarily at his own hand, they found it a contempt of their authority, and fined him in five dollars to the poor ; but ordained Lochdochart to depone upon Mr Duncan's act, and the messenger to detain him till he should appear before the Ordinary for parties' and witnesses' oaths ; seeing a protection is not designed to secure any against a fact prestable by himself, as deponing in a cause, or the like. *Vol. I. Page 742.*

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ANENT the REGISTER of HORNINGS.

1696. *December 12.*—GEORGE Robertson, keeper of the Register of Hornings, having deceased this last night, and some persons applying, by bill, to the Lords, to have their hornings and inhibitions marked and registrate ;—the Lords considered that the Earl of Selkirk, Clerk-register, (who had the filling of the vacancy,) was not in the kingdom, and that it could not admit of delay, or postpone the lieges' diligence ; therefore they nominated and appointed Alexander Gibson, one of their clerks, to mark and registrate all hornings, &c. till the place were filled, and another to officiate, he being countable to the register for the emoluments ; and, least any of the warrants or minute-books should miscarry, *medio tempore*, they sent two of their number, with a clerk, to the Horning-chamber, to secure and seal up the warrants, minute-books, and public records, and to have some of the defunct's nearest friends and relations present ; it being their interest, as well as the public's, that the same be not embezzled, but made forthcoming to the next successor in office. *Vol. I. Page 742.*

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1696. *December 15.* JAMES CLELAND, and other CREDITORS of BOYD of PINKILL, *against* BOYD of PINKILL'S RELICT.

JAMES Cleland, and other Creditors of Boyd of Pinkill, against the Lady, was reported. In July last there were 500 merks modified to her for an aliment during the dependence of the process of competition ; but the extracting being stopped by the creditors till this Session, it was now OBJECTED by the creditors, That the Lords, by the Act of Parliament in September last, are discharged to grant aliments except upon process, and after cognition taken.

ANSWERED,—The Act can have no influence nor retrospect to an aliment modified before, and that very deliberately done.

The Lords found the Act of Parliament did not reach this case, and decerned. *Vol. I. Page 742.*

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1696. *December 15.* ROBERT SANDERS of AULDHOUSE *against* BESSIE CORBET.

RANKEILOR reported Robert Sanders of Auldhouse against Bessie Corbet, his