

use the same in any other way than by the ordinary labour of plough and spade without the express consent and liberty of the Governors of the said Hospital, had and obtained to that effect."

Walter Ferguson became purchaser of this feu, which being in the neighbourhood of the extended royalty of the town of Edinburgh, he prepared to build a square upon it. This was opposed by the Governors of Heriot's Hospital, apprehending that it might interfere with the interest of the city of Edinburgh, in feuing their grounds of the extended royalty. They presented a bill of suspension to stop Mr Ferguson's building. The bill was refused by Lord Auchinleck, and afterwards by the Court: and, last of all, upon an appeal, the decree was affirmed.

PROTECTION.

1776. *July, November, and December.* WILSON against M'LEAN.

IN the course of the proof, in the cause *Wilson against M'Lean*, there were several applications to the Court, for personal protection to witnesses. The Lords were careful, in the *first* place, To exact an oath of credulity from the party by whom the witness was cited, that he believed him to be a material witness in the cause. In the *second* place, They were careful never to grant a protection for longer space than 30 days; and, when these were expired, they did not *prolong* the protection, but they granted a new one. *Tertio*, It was signed by all the Judges present, and allowed to be extracted immediately.

1775. *November 18.* PETER STEWART, Petitioner.

PROTECTIONS upon the late statute to bankrupts need only to be signed by the President, and may be granted for six months, or any time the Lords think proper. When sought for, the Lords require satisfaction as to the reasons of the demand, as, that the bankrupt is of necessary use to gather in his funds, &c. They commonly appoint the application to be intimated on the wall, or to the creditor threatening to incarcerate. And, if opposition is made, they determine as to the merits. One point they seem to have fixed, *viz.* never to grant a protection to a bankrupt, except while the sequestration of his effects continues in full force; and therefore, where a trustee was chosen by the creditors, even though no act of Court had been pronounced denuding the factor and vesting the estate in a trustee, they refused a protection.