

PERSONAL PROTECTION.

1581. December 4. Lady ATHOLE against COMMENDATOR of Cupar.

IN the action betwixt the Lady Athole and the Commendator of Cupar, there was a witness adduced, who was at the horn at the instance of the King, for not payment of the taxation. The pursuer desired a witness to be relaxed at the bar ad effectum proponendi tantum in hoc casu. It was found by the Lords, being brought on to advise upon, that the said witness could not be relaxed without the consent of the party at whose instance he was put to the horn.

Fol. Dic. v. 2. p. 83. Colvil, MS. p. 310.

No 1.

1593. January 7. HERING against Lord YESTER.

THE LORDS will relax a party at the bar, being at the horn for a civil cause, to the effect he may be witness or otherways stand in judgment, and supersede the execution against the party denounced for a short time. But if he be denounced for a crime, they will not relax him, or give him *supersedere*, or person to be witness, or give his oath.

Fol. Dic. v. 2. p. 83. Haddington, MS. No 291.

No 2.

* * * The above is the rubric. The case itself is obliterated in the MS.

1610. May 24. MAXWELL of Hills against _____.

A PROTESTATION granted by his Majesty to Maxwell of the Hills, not found expedient to be authorised by the Session for staying the creditors to whom he was addebted as cautioner for the Lord Maxwell, to poind his goods or apprise his lands.

Fol. Dic. v. 2. p. 83. Haddington, MS. No 1869.

No 2.