

1749. *January 10.*

JOHN COUTTS and COMPANY *against* RAMSAY and STEWART.

No. 48.

SESSION found not competent to advocate processes from the conservator's Court at Campvere. It did not appear very clear, whether in case of the conservator's committing iniquity there lies any remedy? or what is the remedy? but we were clear it is not in the Court of Session. (See DICT. No. 77. p. 7341.)

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1749. *January 11.*

CASE of SIR JOHN HOUSTON and MR GEORGE BROWN, Advocate.

No. 49.

Procedure in consequence of a breach of the peace in Court.

YESTERDAY, in the middle of a cause, a complaint came from one of the Outer-House clerks to Minto, who had been a little before examining Sir John Houston, in a cause at his Lady's instance, and had left it to the clerks and lawyers to finish when he was called to the Inner-House; that after he was gone, upon a question being proposed by Mr Brown, Sir John had called him an impertinent or insignificant puppy, and that a squabble had like to have ensued had they not been separated. The President on being shown this, immediately hushed the House, and we sent two macers with a signed warrant to search for and apprehend Sir John, and bring him before the Court; and in a very little time they found and brought him. Then the House was again hushed, and first Sir John, and next Mr Brown, separately examined. The fact was, that Brown said to Mr Thomas Hay, Sir John's lawyer, that with his leave he would put a question to Sir John; and the question being put, Mr Hay said he thought it already answered by a written correspondence that he had signed for Sir John, which he shewed him; but Brown after reading, thought the question not answered, and therefore desired to have it answered; on which Sir John turning to Mr Hay, said, "Am I obliged to answer every question that an impertinent, (or as some called it, insignificant) puppy will put to me." Whereupon Brown took Sir John by the nose and squeezed it about, and then they were both seized and separated by those present. As the day was far spent before the examinations were finished, we committed Sir John to the tolbooth of Edinburgh, and Brown to the Canongate till this day, and ordered the persons present to be cited to attend; and this day we again hushed the House and examined the witnesses, none being allowed to remain but these two, and a friend or two with Sir John. The fact came