and therefore could not exercise any act of jurisdiction, nor any other part of his office that behoved to be over the whole county, and therefore could not hold any Sheriff Head-Courts, &c. nor could they commit one to the county prison if out without the bounds of their jurisdiction, and they could not lawfully have any other prison; and whereas it was said, that the Sheriff-principal could hold Head-Courts, what would be the remedy if the Sheriff-principal was absent, either in the King's service or otherwise, or if a woman or infant were Sheriff-principal, and so incapable to act, and if positive prescription were proved the act 1617 was very strong, but as to a part of this there could be no prescription. However, upon the vote it carried to sustain these jurisdictions. For it were Drummore, Haining, Dun, and Shewalton. Against it were Minto, Monzie, Tinwald, and I, in the chair; but it came not to my vote. Arniston declined himself. Strichen and Murkle did not vote.

No. 48. 1749, Jan. 10. JOHN COUTTS and Co. *against* RAMSAY, &c.

COUTTS presented a bill of advocation of a process before the Conservator's Court at Campvere which on report we refused as incompetent. He reclaimed, and we this day refused without answers. It is not very clear indeed whether they have any remedy or what is the remedy, but we were clear that we had no jurisdiction.

No. 49. 1749, Jan. 11. CASE OF SIR J. HOUSTON AND MR G. BROWN.

YESTERDAY in the middle of a cause a sort of 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 clerk 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, upon 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. The House was again hushed, and first Sir John and next Mr Brown separately examined. The fact was, that Mr Brown said to Mr T. 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 condescendence that he had signed for Sir John" which he showed 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 these examinations were finished, we committed Sir John to the tolbooth of Edinburgh and Brown to the Canongate tolbooth 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 out as above: Only one