

P R O C U R A T O R.

1610. July 14.

WEDDERBURN *against* NISBET.

No 1.

AN eldest son compearing in his father's cause, will be reputed his procurator, though he produce no mandate.

Fol. Dic. v. 2. p. 210. Haddington.

* * This case is No 59. p. 7326. *voce* JURISDICTION.

1665. November 24.

Mr JAMES CHALMERS *against* Lady TINWALD.

No 2.

MR JAMES CHALMERS, parson of Dumfries, having obtained a decret before the Sheriff, for a part of his stipend, against this Lady Tinwald, for whom a procurator compeared, and took a term to produce her, and she succumbed, whereupon she was holden as confessed; she suspends, and *alleges* that the decret bears not the procurator to have produced any mandate, and therefore craves to be reponed to her oath.

A procurator having compeared for a defender without a mandate, and decree having been passed, it was found not to be *in foro*.

THE LORDS finding that there was nothing else alleged by the procurator that might infer his being informed or having warrant, but only his taking a day to produce, they would not sustain the decret, unless the charger instructed the same by proving the quantities.

Fol. Dic. v. 2. p. 210. Stair, v. 1. p. 313.

1694. January 10.

WILLIAM KING *against* GEORGE SETON of BARNs.

No 3.

HALCRAIG reported William King against George Seton of Barns, for some reparations of a house. Barns *alleged* the decret was truly in absence, seeing