

PERSONA STANDI.

1558. *April 1.* The KING *against* JOHN LINDSAY of Covington.

No 1.

THE persounis of inquest committis ignorant error, retourand and deliver and the persewar to be narrest and lauchful air, conform to the clame, gif in veritie, the time of the service of the breve, our soverane Lord's letteris wer judiciaillie productit, and schawin to thame, beand dewlie execute and indorsate, quhairby the persewar was denuncit rebel, and put to the horn, and as zit not relaxit thairfra; because he beand at the horn, and swa civille deid, had na persoun to stand in judgment, nor zit to ask or desyre to be servit air to his father, or to ony utheris his predecessouris.

Fol. Dic. v. 2. p. 85. Balfour, (OF BREVIS.) No 48. p. 429.

1563. *February 11.* JOHNSTON *against* LAIRD of JOHNSTON.

No 2.

GIF ony persoun havand ane lauchful wife be callit and persewit in ony actioun or cause, as for reductioun of his infestmentis, he hes na persoun to defend or stand in judgment be himself, or his procuratouris, gif he be denuncit our soverane Lordis rebel, and put to his horne, and not relaxit thairfra; and mairover his wife, albeit scho have special interes in the cause, as gif scho be conjunct fear of the saidis laudis, nather be himself, nor be hir procuratour, sould be admittit to defend in the mater; because scho havand ane husband, zit naturallie livand, may not stand in judgment, except scho be autorizit be him, quhilk he cannot do be ressoun of the said horning.

Fol. Dic. v. 2. p. 85. Balfour, (OF THE DEFENDER.) No 2. p. 294.