

But the correctory Laws are not ordinarily extended with us  
yet in favourable Cases they are extended so, as to make them answer effectually  
the Lawgiver's Design. Thus the Statute allowing Redemption of expired Term  
= fines acquired by the Debtor's apparent Plea (Act 62. Par. 1. Sess. 1. Ch. 2.)  
hath been something extended beyond the Letter of the Law vid. infra Page

The Lords of Session interpret the Laws, for without having a Power  
to do so. they could not determine all Cases Stair Just. Lib. 4. Tit. 1. § 28. vid.  
infra Page

Such as interpret the Laws wrongfully, are to be punished with  
Act 108. Par. 7. §. 1. That is, such as make them a mere Cloak for doing  
Injustice, contrary to the real Intention thereof. For Mistakes and pre-  
Errors are not punishable Mackenzie Observ. on Id. Act 108

Archbold Earl of Argyll was anno 1681 by the Court of Justiciary found guilty and condemned  
for high Treason, Leasing making and Leasing letting, for his misinterpreting the Test by  
a Quality adjoined to his Swearing of it, that he referred still a power to himself, to raise in  
Arms when ever he judge'd the same fit. But that Sentence is in the Claim of Right de-  
= clared a Scandal and Reproach to the Justice of the Nation, and was thereafter rescinded  
by the parliament, Act 4. Sess. 2. par. 4. & c.

## Sect. 7. Acts of Sederunt and Decisions of the Session.

To the End that those in whose Hands the balance of Civil Justice is, put, may ma-  
= nage it skillfully steadily equally and uniformly, and people may see that their Con-  
= ed are not determined by the Lesbian Rule of Humour or Partiality; great Care hath  
been taken in all Nations, to publish from Time to Time, the Rules of Procedure in  
sovereign Courts, which we call Acts of Sederunt, and the most notable Instances of  
the Resolutions or Decisions of the Judges thereof.  
Acts of Sederunt differ from Decisions in this, that the former are only fixed Rules  
to be observed in the Distribution of Justice made by the Judges in their, whereas the  
latter are their Determinations in Hypothesis, upon particular Points of Law or Form  
before them in Foro contentioso.

Acts of Sederunt are Statutes made by the Lords of Session for regulating the proce-  
= dure and Form of administering Justice. These (which answer to the Rules of Court in  
England, the Pratique in France and Stylus Juris elsewhere) are so called from the  
Word Sederunt with which anciently they used to begin; or because they are made by the  
Lords sitting in Judgment, as the Acts of the Commissariat Court were in old Times called  
Acts of Sederunt and Ecclesiastical Courts called Consistories, where the Judges did stand  
in administering Justice Stair Just. Lib. 4. Tit. 1. §. 8. Statutes of the Session (at the first  
= Election of it) were entered promiscuously in the same Record with Acts and Decrees;  
but now it is otherwise. The Session in the Year 1537. made certain Statutes and Rules  
to be observed by themselves in their judicial proceedings, which the King ~~subscribed~~  
subscribed, and got further Authority from the Parliament. But I do not see any  
formal Sederunt-book before 15 January 1553. From which Time these books  
are continued till 17 May 1608. The Book from that Time till 2. February 1626.  
is amissing and abstracted. For Recovery whereof an Act of Sederunt was made  
(22. November 1677) proposing 100 pounds Scots of Reward to any who should  
produce it to the Lords before the 1 of February 1678. and declaring that the  
Person in whose Hand it should be found after that Day, should be proceeded against  
with all Severity. But no Account to this Hour hath been got of it. The Sederunt  
= Book of the Actings of the Commissioners for Administration of Justice to the  
People of Scotland, during the Time of the English Usurpation, begins 1 Novem-  
ber 1654 and ends 23 February 1659. Most of the publick Papers whereupon  
any legal Debates or Securities might depend have been sometimes inserted in  
the Books of Sederunt, not unlike the French Custom of verifying the King's  
Edicts in the Parliament of Paris, which is the same in France as the Court of  
Session in Scotland.  
22. November 1677 the Lords president, Justice-Clerks Coltingtown, Cuthbell,  
Goehard, Forrest and Glendrick, or any three of them were appointed to meet  
and peruse the whole Sederunt books, and to collect and cause print such Acts  
therein as are of publick Use. The Acts of Sederunt from 1 June 1661 till  
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