

wholly, or in part, simply, or with a quality; Protes-tations  
 not published are absolute from the sentence. A sentence  
 definitive of the instance, doth either absolute a Testamēt  
 nearly in those terms: *The Lord hath given the Defensory Paper*  
*and find no process upon the Petition given, or find no pro-*  
*cess in such an action.* ¶ 8. If the Defence in an action of  
 spiritrie be, that the Defend or is Voted upon fewer than six  
 days, the Lord find no process on that Petition. But if the  
 Defence be, that the Defend or could not be liable for an  
 action, because not justified within three years, the Lord ob-  
 tain the Defend, and a Justice from the action of spiritrie,  
 but not a libel & cause. For the pursuer may, not with-  
 out such an absolute, insist that for wrongous Inter-  
 mission and Red-titutions of the Goods last away by the  
 Defend. When a Cause is odious, the Court use to appoint a  
 Libel at Libellation. A Decree at pronouncing either of either  
 if it is absent, is called a Decree in Absence; and one pronoun-  
 ced where both parties compare, is termed a Decree in Pre-  
 sence. An Advocate being caring for a party, and making Pro-  
 fessure, but Declaring that he had nothing to object against  
 all their Claims, doth not make a Decree in force 19  
 Decemb. 1711 Representatives of Smith Couther Bungle of  
 Wood. A Decree pronounced by an ordinary Lord, is of a  
 great force and Authority, as a Decree given in presence  
 of the Court. *Act 68 22. par. 108 in a cause wherein any authority the 350 par. 108*  
*Sentence of the Court of Session is not to be altered by the Court of Session. The Court cannot be provided 1711*  
 when any sentence, whether Interlocutory or Definitive  
 is given, the Clerk puts the same in his Minute Book, and  
 also causes Enter it in the General Minute Book. The sen-  
 tence may 24 hours being elapsed after it is read public-  
 ly in that General Minute Book be Extracted, Act of Decree  
 20 January 1671 if no step be put thereto, nor shall or may  
 there be demanded by the other party. But if he Demand from  
 the Extractor a scroll of the sentence whether it be libel or  
 Decree, and give him Money for writing the scroll, which  
 the Extractor dare not Refuse, the same cannot be given  
 out till 24 hours after delivery of the scroll, that he may  
 have leisure to Consider and Amend it. During which time  
 he may apply to get any thing amend in the scroll Rectified  
 that is, if it be an absolute Decree, Application may be  
 made to his Lordship, and if a Decree in presence the  
 whole Court, who will stop Extracting till what is wrong  
 or Informal in the scroll be Rectified. And if the libel or De-  
 cree be unwarrantably extracted, either before it be read  
 in the Minute Book, or within 24 hours thereafter, or  
 before

The original from which this is taken is in the office of the Clerk of Session, 1711. The original is in the office of the Clerk of Session, 1711.

Before a scroll is delivered to the party, who duly bringt the  
 same, or within 24 hours after delivery of the scroll, or after  
 a step given to Extracting, duly submitted to the Clerk or  
 Extractor: the party injured may upon a Summary Complaint  
 to the Lord, get it recalled, and returned to the Clerk's hands  
 If such libel or Decree was pronounced by an ordinary, it will  
 be recommended to his Lordship to hear parties upon the  
 Complaint of Unwarrantable Extracting. When a Lord or De-  
 cree is found to have been precipitately or unadvisedly Extrac-  
 ted, the same will be ordered to be cancelled, and the party Com-  
 plaining will be heard upon what he had to say in the  
 cause. But if the Complaint be found Groundless, and the  
 libel or Decree legally Extracted, it will be delivered back  
 to the party. All Responses or Defences and Amendments to  
 the libel or Decree, must be Verbally ingrossed in the De-  
 cree's Act of Decree 31 Decemb. 1725 & 6.

In old time all acts and Decrees were given under the  
 King's Hand and Seal. But 3 F. 2 that is his Seal, and till the last  
 Session of the session all Decrees of session were under  
 the quarter Seal. At length was made an Act 9. Bond now it  
 sufficeth that an Extracted libel or Decree be signed by any  
 one of the principal Clerks. When a Decree must consist  
 of several sheets the obtainer may please whether he will have  
 the same writ in sheets gathered together, or by way of Book  
 in leaves of paper in foils or Quarto. If it be writ on half  
 and sheets it must be signed on the foot of the last sheet, and  
 on the Margin at each juncture of the sheets. If written  
 Bookways, every page must be marked by the Number 1. 2. 3.  
 &c. and the End of the last page mention how many pages are  
 therein contained Act 10 F. 6. Part. K. W. A Decree Extracted  
 and subscribed by the Clerk, shall be pronounced by the Clerk  
 if he be absent for the space of 10 days after the date of the Decree  
 contra Prior of Ardchattan. The libel or Decree being read  
 in the Minute Book and signed, is given up to the party  
 upon payment of the Fees to the Clerk's Collector who  
 marks the payment thereon and signs it: and if it be  
 to be marked, it makes no farther Act of Decree 169 par. 9.

A Decree orderly Extracted, if it be for payment  
 of Money, or performance of any Deed, contains a Warrant  
 for letters of horning and other legal Diligence to be taken  
 Which may be put to Execution at anytime within 40 days  
 by