

of their own free profession of the death or sickness of some near Relation intimated to and allowed by the Lord, bel off doct. 25 Decemb. 1708.

For clearing up the orders of Judicial proceedings in this court I shall first set forth the particular provinces assigned to particular Lords, and to a quorum of the Judges, to be done separately; and then the Method of Commencing, carrying on and finally Determining causes.

Part. 1.

The Provinces assigned to Particular Lords, and to a quorum of the Judges, to be done separately; and how business is coped by them respectively in the session.

The Ordinary Lords are not Employed on the session days in different Capacities, according to the Nature and Import of business assigned to them. Every Lord, except the President, takes his turn weekly of sitting on the Outer Bench, upon the Bills, upon Verdicts of parties and Witnesses, and upon Concluded causes. Each of the Lords has also an hour of sitting according to the Order above said at the Fore Bar, except the Ordinary in the Outer Court; and sitting at the Fore Bar, before the Outer Court, except the youngest Lord has the first hour, and the Rest succeed in the descending order. Particular causes are also presented detached out of the Main body per Jures, to Grand Jurors, and Distring Court, and each of these, which Capacities, they are always attended by a Mayor, who reads and by the Names of parties, and calls their Advocates to the Bar. The Lords have also their turn of a day, for Reporting to the whole Body, points of Difficulty that occurred to them in these respective Capacities; and of being priviledged and Reported a whole week. Each Lord is called the Ordinary, with respect to Affairs that come in before him. And upon Saturday there are three Copies of a Roll affixed to the Wall in so many several parts of the session house; first making the Names of the Ordinaries, who, for the week ensuing, are to officiate in the provinces afore said. In the fore room there is one Ordinary at the Fore Bar, another at the Fore Bar, and a third upon the Bills, at the

the same time that the Roll of the Lord sit with the President in the Inner House. Every ordinary Lord who judges by a Roll, must exactly observe the order thereof, without passing by any cause, unless he declines himself, or declines upon his ground by one of the parties: in which case the next Ordinary in course is called out to hear and determine that cause.

All writs whereof the Injurers of Bills or Appeals, produced or answers to such writs any Allegation or Matter, be produced themselves, and newly found before sitting any cause, all writs to be founded on by either party, not formerly seen by his Advocate, must be put in the Clerk's hand, otherwise the Allegation or will not be admitted, without paying in a Bond of 40 shillings or ten shillings, and in such cases 25 shillings sterling. Nor will the papers in such writs be read or be regarded, if not marked, without paying a Mulet to the other party, as the Lords shall direct, Act of Decr. 20 Novemb. 1711 & 16. The Defendant is to lodge in the Clerk's hand a Bill of Pleading, that he knows of, after a Motion of the process, 40 hours before proposing them, and all writs in his Majesty to be founded on by himself or Count before sitting; that the pursuer may have time to see and peruse the same. Nor his procurators are not obliged to make answer to any Defence that hath not been given in writing; without proposing to the Court, before the Bill or Defence at the Bar, before said, his Bond taken of the Lord or Defendant at the Bar, before said, his Bond taken of the Lord of the Law, and to did now Reasons of Reduction as formerly Act of Decr. 16 Feb. 1623. The party, against whom any fact requiring a term for proving is alleged, or his Advocate, is obliged before interlocutor to Confess or deny it, which Confession or denial is marked in the Minutes, and if he refuse to Confess or Deny, will be he has Confessed. If he then deny what afterwards appears to have been known to him, he will be Directed to pay all the parties Expenses occasioned thereby. Further the facts founded on many contracted Decret to infer Relevancy, that Expressly denied by the party concerned, are held as Redundant, and without any place thereafter to object for any effect, that these want proof, Act of Decr. 1 Feb. 1715. If either party have in his hands writs to be used by the other for proving an Allegation, and do not instantly produce them, but occasion the assigning of terms, or taking out Distring for recovering them, while he whom he shall call them; he is liable to a Mulet, as the ordinary before whom the course of process such a thing is made appears, or the Lord in presence when the case appears, they shall modify, not under 40 shillings sterling.