W. & M. Again, of the Ordinary of the outer house, either stay in the Inner House after ten a clock, if his Reports be then Out, or Return from the Outer house Bench before Rec Roll for that day is finished to the Inner house, and Reason and Vote in Matters depending there; it is a sufficient ground of Declinator against him, Competent to any party that Suspects him of partiality. But that Extends not to the last Week of the Session Act 21 Sess. 4 Parl. W. & M. The Ordinary of the Outer House has no Power of Judging at the Bar that Week Act of Seder. 11 Novemb. 1708.

Formerly upon the last eight days of the session there was no Lord Ordinary in the Outer house, nor Roll of Suspensions &c. or ordinary Actions put up to be called, except the Regulation Roll. But every session day except Friday the Lords came to the fore bar in their turn, to Judge causes in their hand Rolls for the space of an hour, Viz. One from Nine till ten, Another from ten till Eleven, and a third from Eleven till twelve in the fore Noon. But it being thought to tend to the Benefit of the Subject, and better administration of Justice that the last Nine Sedrunt days of the Winter Session, and the last seven Sedrunt days of the Summer Session were Employed in Ending and Discussing such processes as before had been called and Debated: the Outer House Hand Rolls during the said days are Now Restricted to Acts and the Regulation Roll, which are called by the several Ordinaries as they go to the fore bar to Discuss their Hand Rolls. And during the last four Sedrunt days of the Winter and last two Sedrunt days of the Summer Session no Ordinary goes to the Outer house, Except for calling the said Rolls and Regulation Roll Act of Seder. 16 Feb. 1723 and Act of Seder. 1 July 1729.

Sect. 3.

The Ordinary Upon the Bills.

The Lords about the End of the term before they Rise Establish ordinaries Upon the Bills during the subsequent Vacation and Recommend to them to attend in their Rooms to receive the petitions & Bills Upon Days & Seasons.

An Ordinary Upon the Bills sits both from Tuesday till Tuesday.

In term time, or time of Session, he Advisseth Bills every Session day in the fore Noon, except Friday on which day the Bailiffs Meet them in the After Noon at three a Clock in the Session house. But upon any Friday Happening among the five last Sedrunt days of the Session, he may sit upon them in the fore Noon Act of Seder. 1 Feb. 1715.

These Bills in the Vacation are presented and Considered each Tuesday and Thursday betwixt ten and twelve

in the fore Noon, when the ordinary Must attend, otherways he Loses 26 Shillings Sterling. The Ordinary of the Proceeding and Subsequent Week is attend with the ordinary for the term, every Thursday, for Dispatching such Bills as Require the Concurrence of three Lords, otherways each of these other two Lords loses for his absence from every such days Proceeding 40 Shillings Sterling: Which sums Accrue and are Divided among the Rest of the Ordinary Lords, Unless they permit with others to Prove their Room. But during the time that the Lords of Justiciary are in Circuit, the next Lords in course officiate in their Weeks, Act of Seder. 25 Decemb. 1708.

For Understanding what is Incumbent Upon this Ordinary, it may be Noticed that the Inhabitants of Scotland are each Year over under the Benign Influence of Justice at home, by the proper courts of Commissaries, Sheriffs, Stewarts, Bailiffs of Royalty, Regality, the Barony and Justices of peace, most of which Subordinate Judges are a Check upon one Another. And as in Matters Civil they are Compulsorily parties may sue before either, where they Expect to be Justly Dealt with, to Intentionally in case of Iniquity; presumptive Suspicion of partiality in these Judges, or in case of incompetency when they went beyond their Sphere or when the Commission Iniquitous; there lay appeals from them to the several Superior Courts Successively, Viz. from a Baron to the Sheriff, from the Sheriff to the Justice General, and from him to Delegates appointed by the King. Which Appeal extends to all the Judicial Sentences of Doomsmen, the Jurymen, between Immediately when it was pronounced Ere he Rise from his Seat where he Stands, without Removing out of the place where he Stands, or Advising with any Man, protest, that the Doomsmen was very wise and prompt. For the party who quarrelled the Doom, is false, Slunding and Rotten in the Sense Form and Manner of Baron Courts Cap. 15. Act 116 Parl. 9 J. 1. Which Appeal was afterward made More Regular, Act 95 Parl. 6 J. 4 and the words to be used more Mannerly, Viz. the party Aggrieved was to say, I am Greatly Hurt and Injured by the said Doom, and therefore I appeal, Act 99 Par. 6 J. 4.

But now since the Institution of the College of Justice, when any person finds himself aggrieved by any Inferior civil Judge, the cause may be called up to the Session by Advocation before or by Suspension and Reduction after the Sentence is Pronounced to get it Reviewed, or a Stop put to the Execution of it. Advocation from the Latin Advocare is, as the Name imports, the Calling up to a higher Court a Cause Depending before