in time of session or wronged by any Interlocutor pronounced at summary advising by Warrand, may upon giving in a petition to the Inner house, get the ordinaries deliverance or Interlocutor altered or Rectified if it be wrong, or Rectified if it be just.

Formerly in process at the Instance of a Pastor appointed by the Presbytrie to up lift the yearly Merks allowed for preaching at Vacant Churches on the North side of the River Forth could have been Advocated or suspended exception Con signation Act 15 Sess 5 Act 13 Sess 6 Parl. K. W. But this is now Repealed in Anno Eqpo.

2.

Specialities in a Bill of Advocation.

It was once the Custom to receive no Bill of Advocation without an Authentick Copy of the Libel and Minutes of process under the hand of the Clerk of Court, or Instruments taken against him for Refusal. But now the Lords content themselves with a simple Copy, or a bare Representation in the Bill. Because Members of Inferior Courts sensible of their loss by Advocations use all Means to prevent the same, and particularly when they suspect any party of having a Design to Advocate, bring the cause by precipitations to a Definitive sentence: after which Advocation is Not Competent even before extract of the sentence 10 July 1662 L. Lamerton contra Hume of Hains.

Some causes cannot at all be advocated, as causes of Admirality, because of the Priviledge of Admiralty Dispatch that such requires Act 16 Parl. 3 Car. 2. [illegible] Act 27 Sess 5 Parl. K. W. Stipends of Ministers Stipend Act 27 Sess 5 Parl. K. W. Quartier of Actions for the Rents of Universities, Colledges, Schools or Hospitals, may be Advocated, being the Acts and laws for the more easie and speedy Ingathering of Ministers Stipends, viz that there be no suspension except on Consignation, and as to Allowance of Expenses and Summary process are extended to Universities Schools & Hospitals for their Rents and debts Act 14 Sess 6 Parl. K. W.

Other

Other causes cannot be Advocated except upon Iniquity: such are those lawfully appointed to be Determined by the Inferior Judges Act 9 Sess 3 Parl. 1 Ch. 2 Viz. Confirmations and Divorces from the Commissaries or Causes within the Limmers and Merks from any Judge Competent, because of the Smallness and Inconsiderableness thereof. Nor can Advocations for sums within 200 Merks be past. Upon any Reason of Iniquity 8 June 1675 Kyle contra Gray observed by Lord Gorton. But causes within 200 Merks may in some cases be Advocated; the Judge hath Committed no Iniquity: As where the Defenders are Members of the Colledge of Justice who for Attendance at the session exempts them from all Courts, or where the Defenders live in several Jurisdictions; or where sums due to Merchants, Tradesmen Vintners and others within Burghs for furniture taken off from them by persons dwelling without the Shire are nursed out of the regulation 1672 Concerning the Session Article 16. When Advocation ~~[illegible]~~ is past for sums within 200 Merks, there ordinary writs upon the back of the Bill, that the Lords have found sufficient ground why that cause should not be pursued in the first Instance before the Inferior Judge Act. Act. 16. Now the Lords may Advocate causes which they cannot Judge. Vide Supra page 1602.

As to causes that may be Advocated, if the Reason of Advocation be Clear and Relevant the ordinary passes the Bill Immediately. The Deliverance upon a past bill of Advocation runs thus: Apud Edinburgum 15 die Januarij 1738 fiat Summonitio ut petitur till the 20 day of January instant with Continuation of days, and in the Mean time to Advocate and Discharge ut infra till the fourth day of February Next to come for the Reasons and causes within written. Upon the past bill letters of Advocation are Expeded at the signet. Which are then Intimated Judicially to the Judge and Clerk of the Court from which the cause is Advocated. Because private knowledge of the Members of Court or party against whom the advocation is obtained, or Extrajudicial Intimation to them that it is expeded, will not hinder the party to insist for the Judge to Determine in the principal cause, Spottswood Prat. Jur. Advocation. The Advocation