in 300 pound Sterling of expenses of plea, observing his Relief as Accords against the party principally Concerned 19 June 1705 Sterling contra McCreck & Alexander. But the Expence of an Petition wherein Decreet was extracted, without Modification of Expenses, was Refused to be allowed in a New process for pay-ment thereof, the former plea being terminated & the Decreet al-bell the first Summons contained a Conclusion of Damage & Expence against the Defender 26 January 1709 Monzies contra Gordon of Pitlurg. Because the Different Conclusions for Different Effects, as in General & Special Declarators, Actions against princi-pals and Cautioners, passing from pro loco et tempore, may be Insisted in after Extracting Decreet in other points; the Article of Damage and Expence is but a Consequence of the process, which is understood to be pursued from when not Demanded and Modified in the Decreet.

For preventing the trouble and Expence occasioned by Mis-takes arising from the Method of wording and writing Interlo-cutors, when the Lords vote any point, the question being Stated must be first put in Minute, and then read and Voted. Which Inter-locutor Minute at the same diet be writ upon the process, and signed by the President & Clerks of the Lords sitting in Judgement. For an Interlocutor or Minute of a Definitive Sentence otherways written and signed is Nullity; and the Porter and figur Incurrible pain of Deprivation Act 18 Sept. 4 Parl. W. & M. This obliges the Lords to sit after twelve a Clock when the Advocates and parties are Dismissed, till the Interlocutors be all adjusted and signed. Deliverances on Bills being signed, are intimated at the outer house by the Under Clerks to all parties Concerned Vide Supra Chap. 1. Tit. 3 sect. 2 §2. A Petition ordered to be Answered is Intim-ated two Several Days. The first time it is Intimated Simply. The second time it is intimated with Certification &c. that if Answers be not given in to the petition in order to be Advis-ed the next day, the Lords will Determine upon the Bill or Peti-tion without waiting for an Answer.

Not only are the Lords Employed in the forenoon, but also they do Meet often in a Body in the afternoon to Ad-vise Complex and perplexed causes, that cannot be Conveni-ently extricated in a forenoon; to advise Bills and Answers when so Multiplied in the latter days of session, that they cannot be overtaken at the Ordinary time; to Receive Reports which do not Require the presence of Advocates and for Advising Concluded causes, which of all others should be least delayed, Act of Regul. 1672 Concerning the Session Act 13 Act of Ador. 20 November 1711 §13. The Lord Power, upon proof in the year 1676 of a warrant from the King, giving power to the Lords in the Session in Legislative to Decide Then a party is not satisfied with a sentence of the Lords in presence, he must Reclaim by a petition presented within five Court days after pronouncing thereof, otherways his petition will not be received Act of Ador. 3 July 1709. But he is not allowed to Reclaim against their Interlocutor Con-cerning the Expences of plea, Act of Ador. 1 Feb. 1715.

Having thus Explained the several provinces assigned to particular Lords, and to a Quorum of the Collegiate body Separately, and how business is done by them Respectively in the Session; I shall now Lead the Reader shortly thro all the Steps of procedure, in causes, from their Commencement, till the same are finally Determined; that he may have the Chain of form in his View.

Tit. 2.

The Method of Commencing, Carrying on, and finally Determining causes.

Causes are brought before the Court of Session either in the first Instance as ordinary Actions; or in the second Instance, as Advocations, Suspensions, and Reductions of decreets. The by the second Instance in our Statutes, is Meant Reduction, and not suspension Act 3 Parl. 9 J. 6. 1 Feb. 1670 Watson contra Simpson M'Kenzie observ. on d. act 3.

Sect. 1.

Of Ordinary Actions.

Ordinary Actions proceed upon summonses duly Executed, at the suit of the pursuer against the Defender. The against whom it is served, to be put the Copy given him into the hands of his Advocates, product to take care of him.

After Elapsing of the last day of Compearance in the Summons, the Defender, if he find the pursuer backward to in-sist in his Action, that he be not forced to an Uncertain at-tendance at the pursuer's pleasure, may Deliver the Copy given him to an Under Clerk, and cause him put up a Protestation for not Insisting: that is, the Clerk writs upon the Copy, such a day protestation for not Insisting, and Subjoins the Mark of the office where he is Clerk Consisting of the three Initial Letters of the surnames of the Clerks therein. Then he delivers the Copy so marked to the Clerk or keeper of the Minute Book, who puts up a Protestation for not Insisting, which is a quasi Judicial Act Admitting the Defenders protestation