

=contestation, and *Modum* probationis, can only be advised and determined in person. 21 June 1677 *Ramsay contra Auchinleck* 21 Feb. 1678 *Cliphant contra Bowyer*.

All interlocutors Decrets or protestations upon Debate must be signed by the Ordinary at farthest within six days after pronouncing otherwise they are Null. Except interlocutors upon Debate the two last days of the session, which are to be subscribed within 48 hours of the pronouncing. Interlocutors signed after the session is up are Null. When interlocutors are subscribed on the day when pronounced, the Clerk should prefix to the Minutes the true date of the pleading and pronouncing, and subjoin to the Interlocutor, the day it was signed. Acts, Decrets and protestations, are put up in the Minutes book of the date when signed Act of Test. 8 July 1709.

When either party is dissatisfied with the interlocutor in Act or Decret pronounced, he, in order to get it rectified, borrows up the process from the Clerk, who uses not to lend it up to the Defendant after Act or Decret is thereupon pronounced, except upon Requisition of an Amicus of a Crown or two to be forfeited in case it be not returned in a day or two or other time mentioned in the Receipt; left the keeping up the process the pursuer or should be delayed, and put to the trouble of seeking it back by a Caption. After perusal of the process, he applies to the Ordinary for a further hearing, and if that cannot be had before the time that the Act or Decret may be extracted, it is necessary to procure from his Lordship a Stop to the Extracting, by a writ Under his hand Directed and Delivered to the Clerk of the process or Extractor, ordering him to forbear Extracting any Act or Decret in such a cause, till both parties have further heard. This Stop to Extracting must be subjoined to a Representation of some relevant ground whereupon he who craves it ought to be heard, for verbal Supplication. Ineffectual Act of Test. 11 Novemb. 1709. Again, the Ordinary who grants a stop should send the Representation that moved him to do so to the other party, that both parties may be ready at calling. Because great delays are caused by

this parties not applying timely by Representation to the Lord Ordinary for a Review of his Interlocutor, by one Act of Test. (7 Novemb. 1699) no stop should be obtained from the Ordinary except within six days after the date of the sentence caused to be signed. And by another more late Act of Test. (16 Feb. 1723) the party is allowed to Represent any thing to the Ordinary after Elapsing of ten several days from the date thereof; Unless the Allegance be since then come to the parties themselves. By Act of Test. (7 Novemb. 1699) no stop can be granted by an Ordinary for any longer time than till he is first diet on the Bench in Court.

where extracting is stopped indefinitely without Mention of a particular Day, the stop continues not above a fortnight in time of session, or if granted during the Vacation Expires after the eighth day from the Commencing of the next session, unless it be renewed Act of Test. 11 Novemb. 1709. If a stop be not sought from the ordinary in due time, Application must be made forth by a petition to the whole Lords within 8 days after subjoining the Interlocutor. Act of Test. 8 July 1709. When such petition is put in the hands of the principal Clerk, no Act or Decret uses to be Extracted till the Bill is read to the Lord. But the Clerk might notwithstanding give out an Extract if he pleases: For it is clear from Experience, that a Decret may be Extracted in the Vacation, notwithstanding of a Reclaiming Bill long by presented in the End of the session, and not read. A Copy of the Petition must be put in the Lord Books within 24 hours after it is given to the Clerk. After the Cause goes to the Inner House, the Ordinary is Exonerated as to points Determined by or depending before the Lord in person, and can hear only new and separate Allegances. If the party grieved seek a stop, or the stop sought be Refused, the Act or Decret may be Extracted when 24 hours after Reading thereof in the Minutes Book are Elapsed. Pro. supra pag. 1001.

Upon the Extracted Act Letters of Diligence, which ^{Consisting in a Subpoena to the party (English)} are a precept of the Statute of Horns, ^{wherein} there be a War-rand (for whom may be sued forth) Authorizing Messengers at Arms, to Charge the respective parties, witnesses or barons of writs, bearing a steth of Diligence how Occasion, to Compare before the Lords, or before the Com-
missioners.