

Other Saturday thereafter to the Keeper of the Inner House Gold, thereupon will be inserted accordingly. When proof is taken upon ordinary Acts of Adversetation, wherein the Balance is already determined, if it be not Martined Clear, the cause must be entered in the Roll of causes to be prepared. When a state thereof is prepared by the Ordinary on these cases (See supra p. 1870). Who, if he find the proof by writ or witness to be Clear, marks it to be so in order to be summarily disposed. But if the proof be not Clear, the cause must be entered in the roll of Concluded causes. Which are heard and determined in the Inner House ordinarily upon Saturday. When great business is made with proof by oath of party, Martined to be Clear by the Ordinary to oaths and witnesses, or with proof by writ or witness Martined Clear by the Ordinary to preparing Concluded causes; or with proof Martined to be Clear by the Ordinary to whose Recommendation was Committed by the Ordinary. Upon a petition presented to them by the party; the process is put in the Roll of causes to be summarily disposed. But when proof is produced upon Acts before Answer, and great business is made with both Balance and proof, the cause is entered in the Roll of ordinary Actions for the Inner House, and comes in to be tried by the Court thereof. However in such a case, the Lord upon Application to them by B. & R. with the cause to be discussed by the former or any other Ordinary. Some that they may have a double opportunity of getting their causes settled and heard, first in the Roll of ordinary Actions for the Inner House, and in that of causes to be prepared; and when prepared enter them in the Roll of Concluded causes to be advised.

The manner of Hearing and Determining causes in the Inner House have been explained in another place. (See supra p. 1870 & 1871).

Sect. 2. Of Devocations.

Causes are Devocated from Inferior Courts, either by the pursuer, or Respondent.

When the Defender hath raised Devocation, the pursuer, after Elapsing of the first Day of Comparison thereon, causes one of the Outer Houses Clerk put up a protestation and Remits. Which is done thus: The pursuer gives in to an Under Clerk, that he may call for the letters of Devocation.

Devocation this notes B. & R. Devocation (raiser of the Devocation) against B. (pursuer of the Principal cause) per B. (Devocates) for the pursuer of the Principal cause. On which note the Clerk writes the day on which he calls for the letters, and adds Protestation and Remits with the March of the office whereon he is Clerk, and then delivers the note to the Keeper of the Minute Book, who puts up therein a protestation and Remits. Which if the principal Protestation be not there after in due time produced, May, after the second diet thereon is past, be extracted, and letters of horning for payment of 15 pounds of Protestation Money raised thereon. This thus brings back the cause to the Inferior Court, as if it had never been Devocated. But Extracting of such a protestation may be hindered several ways, 1st by Acquiring the Power of it to be understood on the date of the Devocation, which the Acquirer does by adjoining to the Note of protestation in the Minute Book, that the party against whom Protestation is sought, craves the date of the Devocation may be understood on, and the Extracting of the protestation is stopped till that Concordance be made. The Design of having such a Concordance, may be either to Clear which of several Devocations of different Actions betwixt the same parties is sought; or in case the Devocation be left or taken off, that the Devocates by knowing the date may more readily get it extracted out of the Signet Office. But this stop is taken off, by intimating in the Outer House to the party concerned, that the Devocation is dated on some of the days of one or other of two particular Months in such a Year; the particular day of the Month be not Express. If the party from whom the Devocation is sought procure from the Keeper of the Signet Office a Declaration that there was no Devocation betwixt these parties signed and noted in his Book during the two Months Concordance on. The Protestation upon showing that Declaration to the Keeper of the Minute Book, will be stopped and a further Concordance appointed to be given, and so forth till the true date be Concorded on. No protestation can be granted after Elapsing of Year and Day from the last day of Comparison and in the letters of Devocation, upon which giving a protestation put up in the Minute Book will be found. But after Acquiring and Executing a Summons of Wadening, and Expiring of the days therein a new protestation on the Wadening may be put up thus: B. & R. Devocation