

own fault is excluded, could have no pretence to it, especially for such an end as he wanted it for ^{his} own benefit.

A Decree Granted to be Reduced was sustained, the Defective in Proof, the same being admitted; in respect there was an apprising ^{to} the tithes, whereof the legal was not near Expired, albeit it was in Compulsion with an Adversary, and not against the debtor alone. Because Abundantly sufficient to Exclude any legal Advantage are not admitted against the just Interest of Creditors.

9 January, 1674 Washop contra Biggar. A Decree of Enforcement in force was found not to be a Clergyman's suspension of Execution; being the party appeared & subjected himself, making then no Objections, but took a term to produce 23 July 1674 Jameson contra Ray.

The Charge on a Decree Reduced upon Nullities, was allowed to James Langman in Challo for his Glass in the same process 27 June 1705 Stuart contra Bailie & Robert Jones there being a Difference betwixt the simple Reduction of a Decree, where in the obtainer of the Decree is only Defendant; and a Decree under Suspension and Reduction where he the obtainer of the Decree being Chargee had Interest to Discuss the Suspension, where in the Reduction is repeated by way of Defence.

When parties conceive themselves injured by any sentence of the Lord of Session, whether in ordinary Actions or Suspensions or other causes discussed by them; and do not incline to seek Redress from the Lord themselves, by the means of petitioning, or have sought it in vain: they have recourse, as their last shift, to protest for the remedy of law and appeal to the Lord in parliament assembled. Vid. supra B. 2 Chap. 5, Tit. 6.

Chap. 4.

The Commission for plantation of Churches
Valuation of Tithes &c. and the form of
Proceeding before that Courts

For Modifying, Scaling and Augmenting Stipends to Ministers out of the tithes; Valuing and selling of tithes; prerogating tacks of tithes; Erecting or transporting thereof; dividing tithes; and dividing and Disparting parishes; Commissioners have from time to time been appointed by the Parliament of Scotland with a Parliamentary power, and to continue till a new set were named. But in the Year 1707, when Scotland Contracted an Incorporating Union with England, the Parliament of Scotland being sensible of the great prejudice that did accrue to the Nation thro' the want of an established and fixed judicature to hear and determine such matters, the Lords of Session were authorized to Enquire in all the affairs aforesaid, as fully and freely as they do in other Civil causes, Act 1. Sess. 4 Parl. 2. c.

For Supplying the Registers of the Commission burnt in the great fire that happened in the Parliament Cloister of Edinburgh in the Year 1700 Any Authentick Extracts from the said Records are obtained upon being presented to the Lords Viz. by a petition, to be recorded in a particular Register kept by the Clerk Register and his Deputies: which are as good as the principal warrants of Extent. The Invergovats a new Extract gratis in lieu of the old; and Extracts from West-View Records made up by order of the Lord which contain the Bill and Deliberance Imported in the Beginning thereof, make the like Faith as Extracts from the old Records were wont to do. Further, the said Lords are empowered to make up the tenor of such Decrees, whereof Extracts are wanting; and the Registers burnt in the said fire, upon such Evidence and Testimonies as they see cause of Act 9.

The Lord are joined in the Commission Court by two Clerks and two Masters distinct from those in the Session
Summon'd before this Court, which are raised by the Clerk thereof and pass the signet of Act 9. have but one Tety and are Executed by a Messenger at Arms upon