

Concerning Notaries vid. vol. 1 pag. 1770 & seqq. & vol. 2 pag. 235.
 Concerning the Ministers and Messengers of the Judges vid.
 vol. 1 pag. 1777 & 1791 & seqq. & vol. 2 pag. 707.
 Concerning Agents vid. vol. 1 pag. 1780.

Book 1.

Containing a Description of the several
 Courts of Justice in Scotland.

The Courts of Justice in Scotland are either Ecclesiastical
 or temporal.

Chap. 1.

Of Ecclesiastical Judicatories.

Ecclesiastical Judicatories in Scotland are those which are
 held for Matters Concerning Religion and the Fear of God.
 These are Kirk Sessions, Presbyteries, provincial Synods, Gene-
 ral Assemblies and Commissions of the Church all which
 begin, adjourn, and dissolve themselves by prayer. The Presby-
 ter, who presides therein, is called their Moderator, who has
 no Negative, but only sums up the Debate and puts the Que-
 tion; and in case of Equality of Votes on both sides determines
 the Matter by Casting Voice.

Tit. 1.

Of Kirk Sessions.

A Kirk Session (which is the lowest Ecclesiastical Ju-
 dicatory) is a Consistory in a parish composed of a Minister
 or Ministers who serve the Cure, Elders and Deacons. For
 in some Churches in Scotland there are two Ministers, and
 in others but one.

This Consistory meets once a week at least to consider
 affairs of the Parish, and is called by the Minister when he
 pleases, who presides therein as Moderator. The Ruling El-
 ders vote in all Business; but the Deacons have no Vote
 except in Matters relating to the poor, and may in other
 cases give their Advice if asked. The Elders and Deacons
 may in absence of the Minister meet in affairs about the
 poor, and give testimonials to the parishioners that are to be
 moved to another parish; but cannot meddle with Matters of State.

Scandal. When such require to be Confessed during their own
 Ministers Absence, they must apply to the Presbytery to send them
 a Minister to hold a Kirk Session for that end.

The Kirk Session whose Jurisdiction goes not beyond its own
 parish, can Judge in Matters of lesser scandal, and inflict the
 lesser Excommunication or suspend from the Lords Supper for a
 time. Ministers are not subject to the Confession of their own
 Kirk Sessions, but of the superior Judicatories of the Church
 their Consent in the call of a Minister and proctor to a parish
 Block is necessary: they provide all necessaries for the Commission;
 regulate particulars relating to publick Worship, and give Notice
 of all Batchesings and parochial Visitations.

They have a treasurer who keeps and distributes the poor
 Money by their direction, a Clerk who keeps two Registers, one
 of Births and Marriages, and another of their own proceedings,
 which they must lay before the Presbytery: to which appeal
 is from them in all cases.

In Parishes without Royal Burghs where there is no Justice
 of peace or other Judge ordinary residing, the Minister Kirk
 Session and Major part of the Paritors Concerned upon publick
 Intimation from the Diligent eight days before, may be sworn
 they see cause, chuse a fit person Resident within the parish
 and offer him by a Writing under their hands, to any having
 the ordinary Jurisdiction of the place, who is authorized to give
 a Deputation to such Nominee for judging transgressors of the
 laws against profaneness. Which Minister Kirk Session and
 Paritors may apply part of the fines inflicted by such Deputee
 to the Collector thereof appointed by them for his service,
 and the Remainder to the poor of the Parish Act 22. Parl.
 2. sess. 3. Ch. 2. And Kirk Sessions may uplift fines Volun-
 tarily paid to them for such scandals, without being accom-
 table to the Justices of peace for them, when so absent.
 on Act 20. Parl. 22. Ch. 6.

Tit. 2.

Of Presbyteries.

A Presbytery is a Consistory of the Ministers of some
 contiguous parishes, and one Ruling Elder chosen out of
 every Kirk Session of these parishes.
 They meet as oft as they please in the head town of the