

Parl. 1^o Sep. 1 Ch. 2. Which Statute, tho' it bear to be an Abrogation of the Act 18 of the parliament 1633 in Effect an Abrogation thereof; being it Grant the power of Exchequer as it was before the said Act 1633 **Stair lib. 4 fol. 1529**. But the Lord of Session are only competent to hear and determine the Validity of Infeftments of the Kings property Act 6 Parl. 1^o Feb. 1 Ch. 2. Or to remove tenants for not find ing Lawtion to pay their land duties 23 Feb. 1632 **L. Forrester wood contra L. Living** **Stair lib. 16 Parl. 3 Ch. 2.** Commisaries have the peculiar Jurisdiction of Causes Conditional, and some of those of higher force as Diverge, Declarator of Nullity of Marriage &c. are appropriated to the Commisaries of Edinburgh Act 6 Parl. 20th Feb. 1^o Superior Judges in causes of less value than two hundred pounds where the Defenders are not Members of the College of Justice Per live in several Jurisdictions, or in Actions for furniture taken off from Merchants, Coopers, Wintners or a third part thereof, by persons living without the Shire, have also jurisdiction in the first Instance Act of Regul. 6th 1692 Concerning the Session Act 16th Feb. the Lord may not be concerned with small Inconsiderable causes Brieves taken out of the Chancery as Brieves of Division of lands Brieves for Jurisdictio by several persons, Brieves for having heirs or for serving Relicts to their Ancestors or for serving letters of law Brieves of Idolry, can be directed to and heard by Inferior Judges only; **Stair lib. 4 fol. 1543**. Because the Matters to be Enquired of upon these Brieves are the most fresh and easy to be known by an Inquest of Vicinets, to the Inferior Judges, the Lord of Session cannot hear and determine in the first Instance. Yet they may Judge them in the second by Devocation Suspension and Redress. Thus the Lord cannot Devocate Causes Maritime from the High Admiral Act 16 Parl. 3 Ch. 2. Because of the Dispatch that such Requires. Yet they often Devocate Causes from him upon this Reason, that they are not in such Maritime object: on which Act 16th Feb. the Lord in presence or three in the Devocation time did send Decrets of the High Court of Admiralty Act 16 Parl. 3 Ch. 2. They do Devocate Criminal Causes from the Commisaries, and send or receive them by writs, they may even Decrets of the Commisaries of Edinburgh concerning those of Inferior Commisaries. Which Courts local Causes being Devocated, are sometimes Remitted to the Commisaries

of the 21st of Session are competent to Judge in a Complaint of Right to the Parliament and in the Parliament and in the Court of Session 25th Feb. 1633. The same Jurisdiction is also granted to the Lord of Session in the Court of Session 25th Feb. 1633.

Commisaries with Instructions how to proceed **Stair lib. 5 fol. 336**. Can be within two hundred Marks may by the Lord of Session be Devocated from Inferior Judges upon Iniquity, or dispended and Reduced upon any Relevant Reason. Brieves may be Devocated from the Ordinary Judge upon just suspicion of partiality, and Remitted to some other Justiced person. Brieves of Morlancestry and Brieves of Peccatory are frequently Remitted to the Magistrate in the Court of Session, and in case of Difficulty Lord are Joined aspeffors to be found in presence, or some of the Assistance. And tho' the Lord of Session have no Jurisdiction in case of a Bandrupt as yet they are Imprimed in a process of according to their Diligence and profference Act 20th Feb. 2^o Parl. W. B. M. J. Short our Custom allows the Lord of Session to Devocate Causes from other Courts, even such as they cannot Determine themselves; that in case the Devocation be Relevant, they may send the cause of Devocated upon Incompassion to the proper Competent Judge; and if upon Iniquity, to other than the said Judges 21st Feb. 1666. **contra** the writ of Habeas Corpus before the Year 1692 the Court of Session were in use to Remove Criminal Causes by Devocation only from Inferior Criminal Judges, but also from the Judge General, and his Reputed **Stair lib. 5 fol. 335**. But since the New Constitution of Justice then made there is no place for Devocation from that Court **Stair lib. 1. fol. 235** infira. And the Lord of Justice do Devocate Criminal Causes from Inferior Criminal Judges to themselves. The More special Authority and powers of the Lord of Session are Explained *Infra* pag. 174th 174th.

Matters concerning Religion and Ecclesiastical Polity belong to such Sessions Presid by Lords provincial Synods and the General assembly. Which Ecclesiastical Judicatures are Privileged with respect to the Inflicting Confessions of the Church. Thus a Church Beddel (who had a gift from the King to that office) having been Convicted before the Bishop and his Clergy for scandalous Mis carriage and procured an Devocation to be granted by the Ordinary, upon the titles Rescripts Remitted the Cause to the Bishop and Clergy as to the Church Confess, without presiding to the Beddel w^{ch} his gift from the King, and Remitted 19 Decemb. 1680. **M. Dellar** contra Bishop of Dumblane. The Lord of Session carried the Cause in matters purely Ecclesiastical belonging to Church Jurisdiction, either by Devocation, suspension or Redress **Stair lib. 5 fol. 336**.