

The ordinary Judge Interspo for their Authority to Direct the
 -libral proceeding on Submissions which was a benefit to Regu-
 -lation of such Disorders or when assist by Criminels and
 -them guilty or Not guilty; Or when Delegates appointed by the
 -Court and many in Runkings and formal and Abominable before
 -the session state the points Incontrovertible and Admittit
 -the for the Judge to give his Interrogatories upon Act of 1701
 -29 Novemb. 1711 & 28 Act of Decr. 23 Novemb. 1711 & 7th Nov

Judges are either Ecclesiastical or temporal. The
 -clesiastical Judges are Ministers Ruling Elders & Deacons
 -of whom such persons. Partly by provincial Synods, and
 -the General Assembly are Composed. Some temporal Judges at
 -the several shales sentenes cannot be Reversed by any other
 -Court than the parliament such as the Lords of Session Com-
 -missioners of Justiciary and Barons of Exchequer. Others as
 -Inferior or base Judges as Sheriffs Stewards Bailiffs of the
 -County and Regality, Justices of Admirals and Commissioners
 -Magistrates of Burghs, Justices of Peace and Barons, who
 -proceedings may be Reversed by Appeal to the Sovereign
 -and whose sentenes may be suspended and Reversed there

A third sort of Judges are of great Nature part
 -of both Sovereign and Inferior as the High Admirals and
 -the Commissioners of Dunburgh: both which are Sovereign
 -Judges in their Respects, but the former can Reverseth
 -acts of Inferior Admirals, and the latter Barons of the
 -Inferior Commissioners, but are Considered as Inferior Judge
 -in so far as their sentenes are liable to be reversed
 -of Session. In every Sovereign Court of Scotland there are
 -several Judges in a Collegiate Body, for there are 15 Lords
 -of Session, 3 Barons of Exchequer, and 7 Commissioners of
 -Justiciary: But no Superior Court hath more than one
 -Judge, Except the Commissioners of Dunburgh where five
 -Commissioners sit as Judges, and the Justices of Peace, whose
 -Court of Session is led by two or more Justices of Peace.

1st April can be a Judge act 9 Parl. 1 act 5 Parl. 20 F. 6
 -and formerly Execommunicate persons who are at Gods
 -Pains were bind or the like. Full ability Act 4 Parl. 4 F. 2
 -not Nois Act 19 Sept. 2 Parl. 17. M. in George M. in
 -ment is Incapable to Judges. But Sir James Mackenzie
 -to Duple, Doublet Ed. Fleming asserts that a Judge who
 -on a Lawed for Civil Debt, or even forfeited, cannot be Dech
 -by the parties on such accounts. And I have known persons
 -It has been sit and Able as members of Parliaments what
 -ever be in that a Judge being at the hour doth not bind
 -his substitute to Execute the office. 9 June 1651 Keith contra
 -E. Southes, &c.

As the fear of god is the Duty of all persons, no body is
 -more strictly obliged to it than those who being in his place over
 -others are to give him an account of the use of the power which
 -he has entrusted to them, and to expect that Impunity will be
 -ment which god will pass upon them. C. 19. in fin. fo. 20. fidei. Act
 -132 Parl. 12 F. 6. Judges must have Capacity, probity, and Appli-
 -cations their functions. More or less learning and knowledge is
 -Required in them according to the Right and Extent of their
 -Authority and Power. Sovereign Judges whose sentenes can
 -be Reversed by the Parliament, or gill to have sound Judgment
 -Enlightned with general knowledge of the Laws and Customs
 -they are to walk by Act 132 Parl. 12 F. 6. Act 10 of the Union
 -C. 1. Cap. 26 & 2 Act 16 Parl. 2 Sept. 3 F. 2. But Judges of
 -the Inferior sort are more easily Dispensed with in that
 -Respect: Because in Difficult cases they may leave the Resolu-
 -tion of Affairs to the full in the Lords; and any wrong they
 -make may be Remedied by Reversion, Suspension or Reduction.
 -However even Inferior Judges should be good sufficient, and
 -qualified Men. Act. 4. Debit 2 Sept. 30. Knowing the Law
 -Act 24 Parl. 12 F. 6. A Judge should have a sufficient state
 -of his own, as a Guarantee of his Fidelity and Honesty, where
 -in he may be suspected of a bias or bias. And those who sit in
 -offices, should, if not sufficient to Ministers Justice, ^{to some} whom
 -they are answerable Act 16 Parl. 1 F. 1. No Every Judge is bound
 -to Answer for his Decrees Act 27 Parl. 5 F. 3.

A Man who is qualified to be a Judge, though of his own
 -accord to obtain from Hearing certain causes, and may, if
 -he will, withdraw himself, be Refused or Declined by parties,
 -as Incompetent, or suspected of partiality to one side, or
 -than the others, who upon that account may get their cause
 -Advocated to competent or impartial Judges. They are bound
 -to attend, either as to the person or as to the cause. A Judge is
 -bound in respect of the person when the Defendeur is not Under
 -that Jurisdiction Act 5 Parl. 13 F. 6. Jurisdiction Act 3 F. 6. in
 -Act. A person is not under the Jurisdiction of a Judge because of his
 -being not within the L. fin. 8th Jurisdiction. A Baronibus
 -Decept against his Masters Appeal giving him for not
 -Attending his Superior at the Barons Court, was Annulled,
 -for that it proceeded upon a Libell Excoiled by the Baron
 -officer extra Term to him, albeit the party cited was
 -obeyed by his Clerk, or to appear, the not dwelling within
 -the Barony, at all the Barons Court 29 Decemb. 1710
 -Rume of Wedderburn contra Rume of Pineswell's because
 -an obligation to give personal Justice and presence in Court
 -is not