

of Session as a peremptory defence, after production and the Contestation would have been sustained to stop Per lification
 6 Feb 1672 Murray contra Murray of Burglions, for which
 were other ways the effect of sentence might easily be made
 or Disappointed by the parties shifting their Residence. By the
 Treaty of Union (Art 19) No sentence of any judicatory in Scotland
 can be Reviewed or Altered by any Court in Great Britain
 - Star Hall, and by parity of Reason no sentence of the English
 Judges can be Reviewed by the Court of Session. Plato 2

~~When the Lord of Session is called in to give an opinion~~

Now that we are come into the same legislation
 and have the same ultimate Superior of Justices, the Mutual assistance
 of the several Supreme Courts in Scotland and England
 who have Jurisdiction independent of one another, they
 become necessitated, and need not to be Requested and
 favours being of such Mutual assistance were not given,
 the affairs of the subject would be inextricable. Again a
 woman against whom a Decree in the Court of Kings Bench
 was pronounced having to evade the effect thereof
 retired to Scotland, and the Obtainer of the said Decree
 having also laid an action against her here before
 the Court of Session, founded on the English Decree: Execution
 was sustained to pass on the same Decree as probate
 - batio probate in Scotland, unless something Compulsive
 law of Equity be objected against it. 29 Decemb. 1720 Plato
 - now Edward Merchant in London contra Catharin Proctor
 of London now Resident in Kells. A Decree of the Court
 of Kings Bench being obtained against one as Partner to
 an Intrometter with the effects of a Trading Company
 where of the Plaintiff was a partner, and the Plaintiff then
 applied to the Lords of Session, praying that they would Intromet
 - pose their Authority in order to Execution of that Decree
 in Scotland: The Lords sustained the Decree, the pursuer
 instructing that he was a partner, and that that Defendant
 was Catharin or Intrometter, to make the Defendant or his
 to the pursuer for his proposition of the Companies effects
 3 Decemb. 1713 Goddard contra Swynetown. From which see
 - tance the pursuer having appealed to the House of Peers, they
 after Reading Council on that point, affirmed the Decree
 of the Court of Session, because the same Relief they gave

the Defendant here was Compellent to him by the laws of England.
 But Jam Informed, that in a late case between Murray of Burglions
 - town and Sir Robert Murray alias Prichtown, the Irish Judges
 having Refused to sustain Points concerning some lands in Scotland
 and Ireland Revised and Improved by Decree of the Lords
 of Session upon an Appeal lodged in the House of Peers

The sentence of the Irish Judges was Reversed, Plato 2
 - the case was the Revision of the Rights of a Lord of Session, and a Decree was made
 - he asked only the personal Action upon which against persons subject to his Jurisdiction at the time, just as
 - to Lords or Officers, lying within their Jurisdiction.

Judges who do not the law evenly are to be punished Plato
 - mainly Act 45 Parl. 2 Ch. 1. Those who transgress in their office
 by partiality, or Refusing to do Justice, were, if heretofore, not only
 - removed from the exercise of it at first for a Year Act 76 Parl.
 14. 152. After ward for three Years Act 27 Parl. 3 Ch. 3. when if the
 office was temporary left it for ever: but also they were liable
 to an arbitrary punishment, and to pay the expence of the party
 - injured. Act 27 Parl. 3 Ch. 3. when the Office was hereditary ten
 - for many Months in form. part 1. Feb. 25. 52. 11. 15. and by the 26. Act
 - but now the punishment of Judges offending in their offices is
 arbitrary, and limited to the Nature of the offence, McKenzie's officers
 - on Act 16 Parl. 6 Ch. 2. By his Court laws, a Judge pronouncing too
 - ignorance or mistake an erroneous sentence contrary to Law, or
 - fact claim them, he becomes partly to be taken, and liable to
 - pay damage to the party injured i. 584. See also, 86. Act. 1. 1. 1. 1.
 - Deo Extraord. Cogn. 1. 1. 81. ff. de Judio. But that Law Concern
 - ning the Mistakes of Judges is now every where in Disuse.
 - Greenwagon de legib. Abrog. ad per. Inst. de oblig. que quasi ex De
 - - licitis. Nor is it so, without, or in England. Howkins's Ple. Cr.
 - lib. 1. Chap. 72. de lib. 2. Chap. 1. 817. Chap. 15. 824. Where nothing
 - is punishable for a mere Error in Judge's word, or liable to
 - any action for what he does as a Judge: being the sentence
 - may be Reviewed upon an Devocation or Reversion of pronon
 - - ciated by an Superior Judge, and may be Reversed upon an appeal
 - if given by Sovereign Judge. The Authority of a Govern
 - - ment could not be maintained, unless the Greatest Credit were
 - given to those who are so highly intrusted with the Administ
 - - ration of publick Justice, and it would be impossible for them
 - to keep up that Veneration of their persons, and submission
 - to their Judgments, without which it is impossible to Execute
 - the laws with Vigour and success, if they should be particu
 - - larly exposed to the prosecutions of those whose partiality
 - to their own Cause would induce them to think themselves