

placed during life, with sufficient salaries & defend themselves from the least suspicion of being liable to partiality, thro' any kind of partiality.

No Man who is but honorably Vigilant (and Vigilantibus only Jura Subvenimus) need to be taken Napping in his cause before the session, having not only the Right to draw the King of calling his cause, but also Intimation of any Judgment given against him, by that excellent Monitor the Attorney at Law, whose all Sentences must be Entred Immediately and Read to Many days after pronouncing, and cannot be Extracted till 24 hours after Reading, during which he waits any thing amiss may be got Rectified by applying to the Ordinary or to the whole Lord. And when the Defendant cannot quarrel any thing done by the Court, he has the privilege to Demand a Copy of any Sentence or Decree before it is signed by the Clerk, to compare the same with the Writs and Warrant, that things may be fairly done. The Lord will ever Recall Decrees Unwarrantably Extracted, if questioned by a Bill de Rectis.

Business is carried on before the session in the best order we be thought of. That of great Moment is taken to be Determined in prison or out, and what is left Material is committed to particular doings. Most Decisions is given to hastily affairs. Distinct Marches are kept by the different provinces of particular Lords, that they interfere not in the least, but may be mutually beneficial in the Distribution of publick Affairs, which is the peculiar Excellency of the Constitution of our session, that which business is done there (and if people come will do) with more safety and Exactness and less expense to the Nation in general, as to many Judges in different courts could rationally be supposed Capable to Dispute the For in the session particular Lords Determined Common Business, and mostly do so Reason and preparatory Matters, that the Senate in the Inner House have nothing to do, but to give them the finishing Stroke. Whose single Judges in separate Courts (tho' of ordinary Knowledge and Experience) cannot be so fitted to do as at London, except to Justice with great Celerity may be expected from particular Lords in the Court of Session in their respective single Capacities, who are supported

supported and forwarded in their procedure by the Commisaries to advise of the Collegiate, the Difficulties enim Invenitur quod a pluribus quaritur consulti. Dist. 22.

The Lords are frequently Impor-tuned by parties having Actions depending before them, to modify them for their Amity. During the Dependence of these suits: but great is the merit upon such thought, unless it appears that there will be a free or plied Uncontroversial, due to these persons at the Event of the process, in I satisfaction whereof a sum may be provided in the Mean time for their present subsistence. 131 July, 1690.

The Lords refused to Authorize the Lord (20 June 1705) Tutor of Aitons Law of the supplicant observed by the Tutor or Lawman (20 July 1705) the supplicant or by themselves (30 June 1705) the supplicant) even put in by themselves upon request & stated to make the provisions, or to be, have them free of blame for not doing so: to be set aside for less Duties than formerly paid, where the former Court could not be got. The Reason why the Lords Declined to take profit their Authority upon Application by bills to them in the Matter is because they have only Jurisdiction in Bon-tentation in the Law to depending processes, and not a voluntary Jurisdiction or power Concerning the Dominion of private estates, and of the Lord or Lawman or Tutor at the Government of the Lord, but in the Discharge of the Trust to the best advantage, laws will seize them. But in all process at the suit of a Tutor (wherein the Pupils Heir of their were cited to hear and see it found and Declared, that the Pupils lands were set to right, and that the Grants were in arrears before his Tutor in Great Sums, which if the special exact would cast the Land's waste, and that it was for the good of the Pupils to set them at such Rates as they might be able to pay, and to quit so much of the arrears as the Grants might be able to pay the best and continue in possession; the Lord Tutor, pro their Authority 5 Feb. 1670. Tutor of Colzean contra Heir of Ken of the Pupils

The Lord would not formerly grant warrant for Commission to Manage the Estate and Affairs of an Executor who had gone abroad without leaving a Gaetory for that End to one who offered caution to the Court for his Commissions to the absent Executor and to all others Concerned