

for the Use of the other party till of Febr. 20 November 1771
317.

It seemed pronounced by an Ordinary Lord, is of as great force and Authority, as a Decree in the Inner House, viz. the 4th Feb. 1763. For he had got not by Delegation only, but by the Institution of the court.

Sec. 1.

The Ordinary between Nine and ten at the fore Bar.

Upon Tuesday Wednesday & Thursday one Lord in court after Another, and upon Saturday the last Week ordinary in the Outer House hath an hour betwixt Nine and ten of sitting on the fore Bench caufes in his Hand Roll depending before him or admitted to the Roll of Febr. 1773. Concerning Ordinaries coming to the fore Bar the last Wednesday and days of the winter and last seven days of the summer session, vide in the End of the next Section.

Sec. 2.

The Ordinary in the Outer House.

Quidday at ten a Clock, the President delivers to the Ordinary of the Outer House that Week the Roll of his previous to the vocations &c. and that of Ordinary Actions, where upon he goes immediately and takes his Seat on the fore Bench, where he Judges caufes in the Suspension and Advocates on Roll till twelve; but frequently first caufes given, delays some caufes till the next, or some other day in that Week, and Marks the Confirmation upon his Roll.

When he comes out to this Bench on Wednesday at ten a Clock, he is first called Conform to particular Rolls there of handed up to the Master sitting by the particular Clerks in Court: Which Rolls had been affixed the Night before upon the Wall of the fore Bar, that the guard and their Advocates might be ready. When these are over, the Ordinary falls to the Roll of Suspensions and Advocations wherein he first calls any caufes that had the day before been continued till the next day; and then goes such till twelve a Clock unless he hath gone thro' his Roll sooner in which case he returns to the Inner House when it is finished. But if the said Roll appointed for Tuesday and Wednesday, was finished upon Tuesday, or the Ordinary at his leaving

the Bench that day forenoon, that the caufes Respiced for Wednesday would be discussed before twelve a Clock, he substituted to the Advocates, that upon Wednesday, after taking of the Roll and finishing his Roll of Suspensions &c. he will hear caufes in the Regulation Roll of Ordinary Actions.

Things may from ten to twelve; caufes in the Ord in Regulation Roll are heard and Determined; any caufes in the former Roll delayed till that day being first called.

Friday at ten a Clock, the President calls the Roll at ten a Clock. Upon Tuesday, and the Ordinary, after discussing his caufes caufes, goes to his Roll of Ordinary Actions, which he brings off him till twelve a Clock. When the Ordinary hath finished at his leaving the Bench on Thursday and Friday, your Caufes All the caufes in either of his Rolls, those remaining undetermined are reported in the beginning of the respective Rolls for the ensuing Week. On Friday Night, the President appoints Lists on the Wall of the fore Bar of caufes already fixed before his Lordships by the Decree or process of the Court, in one of the parties seeks to be further heard, or to have some other Counsel directed for it, or for Consisting in the first place of caufes in the Inner House Roll of that Week.

Saturday at ten a Clock, the Ordinary calls out of the said Roll caufes continued till that day, if any be, then goes to his Hand Roll, and sits judging caufes till noon till twelve; unless these be sooner discussed.

It Remains to observe, that the Ordinary in the Outer House, if they who was Ordinary on the Roll the Week preceding, the time was, when some Jurant did not during the Express themselves to sit in the Outer House as Ordinaries, they to prevail with others of the Lords, to go out and officiate for them, as Jurants do for ignorant Lawyers and Parsons. But now one Lord is not allowed to force in the Outer House for Another, unless that other be Excused Upon sickness, or some other necessary or probable Account, by the Justice Lords. In which case, the Lord so Excused must send a Minister Justice in the Outer House the first Week after he returns to the house. And any Lord who doth not sit his Week in the Outer House, as it falls to him by course, without an Excuse from the whole Lords, or being Excused doth not sit the first Week after his coming back to the House, he shall his Salary for that Session which Accrues to the Common Stock belonging to the Lord, being Feb. 4th.