

in that presented to him.

When the Reasons in a Bill are Doubtfull and not Clear, or when the Reasons the Stiponds or Ministers or School Masters, or ordinary Approves the Bill to be seen and reviewed betwixt him and a certain day; then in the next time his procedure in the principal cause, if it be an Advocation or Stays Execution, if a suspension, either expressly for a limited time; not Exceeding a Month; that of Decr. 9 Feb. 1675, or indefinitely, expressing no day, which is understood a stay for a fortnight from the date of the Deliverance that of Decr. 3 Febr. 1677, and a Copy of the Bill and Deliverance is left with the servants in the Hall Chamber, for the other party, in order to be answered. Which first night is only the legal Indurance of a first night. The answer is given in by the Adversary appointed to see and answer. For if on the mean time the pursuer or charger doth withdraw the Bill, and the answer be sustained Relevant by the ordinary; the first may be taken off by a Deliverance on the answerers the the first night be not Expired, and the obtainer of the bill do not appear with the Bill on which it was given.

If process or Execution be just in the Vacation or a certain day falling within another Ordinaries week, the Bill and answer come to be considered by that Ordinary. But in time of session, what ever ordinary a Bill is presented to the same with the answer remaining still before him till the letters be Expired. When the first Expired, or answer for the other party are given in, the Bill and answer are laid before the Ordinary ^{for the time} if it be Vacation, or before the ordinary who gave the first of the session he sitting who having considered the same, passes or Refuses the Bill, as he first just. To prevent giving in Calumnious Bills, where a Reason of Advocation or suspension is set passing the Bill, referred to the oath of the Adversary party who is absent, and cannot be heard to Depone, the Bill is to be Refused as to that Reason, unless the Raifer of the Advocation or suspension, if present, Depone de Calumnia there on and if Absent, that some Document under his hand be produced for intreating that he be heard to the vocale or suspended Upon such a Reason. Which Document with the other Vouchers of the Bill are kept by the Clerk of the Bill, or

Delivered by him to the party Upon Receipt, and the said Bill, Vouchers or Receipt transmitted at Discharge of the Bill granted to the Clerk of the process, to the end that if the Reason be Calumnious or the Vouchers be Disproved, the Raifer of the Advocation or suspension may be Declared in Execution, as of Decr. 20 November, 1677, 52.

If there the Reasons are Clear and Relevant, the ordinary passeth the Bill Immediately, and there upon the Raifer to the signet Raiffeth the letters and sends them to the signet office. He against whom the letters are Raiffed may, tho' they be signet, if not delivered to the party procure, upon application to the Ordinary, stay to the giving them out, by a Writting under his Seal stays being directed to the Keeper of the signet, Desiring him to exclude these letters till passed by another Raifer. Which being duly Intimated, brings the bill back to the ordinary, who, upon hearing the parties, will either take up the same or take off the stay, by another Writting to be presented to the Keeper of the signet. But after the Raifer of the letters hath got them out of the signet, no stays from the Ordinary can take effect.

In time of session, sometimes the party against whom a Bill is offered, Desiring to have the matter speedily Determined, gives in a petition to the whole Court for a warrant to Discuss the Reason summarily upon the Bill; having first paid the dues for signet being the letters, and for Intromission if the letters had been Expired, and the cause provalled, acts of Decr. 11 November, 1691 & 30 November, 1692. The Desire of which petition is ordinarily granted. A warrant for summary discussion being obtained, which hath all the effects of signetted letters 18 January 1681 Creditors of Majoribanck contra Chapeland, it is given in to and Intimated by one of the Under Clerks of session to the suspender, or Raifer of the Advocation. And the ordinary to whom the Bill was presented may, Upon calling the parties to the Tods Bar, at any time, except on Friday fore Noon, discuss, or, in case of Difficultly, Report the Reason to the whole Court, without waiting for his turn of sitting at the Tods Bar, or Day of Reporting. Any party thinking himself Injured by the ordinary named Appealing or passing a Bill, and Refusing to Report the Reason for or Against the Bill to the whole Court,