

Advocator or his procurator at his producing the libel of
 Advocation, Praves that his Advocation may be admitted
 and granted. For which if it be opposed by the other par-
 ties procurator, that the Advocation cannot be admitted for
 such reasons, as that there is a sentence already pronounced,
 or that the Advocation doth not agree with the libel in the
 principal cause, or the like: The Judge if he find the Reason
 for objecting the Advocation Relevant and true presently,
 or after taking the same to his hands and till the next court
 day, may Refuse to admit the Advocation, which is granted
 in the Minutes of the Principal cause, and may proceed as
 if no such Advocation had been presented. In Advocation
 produced after sentence pronounced, the Seal is attached, it
 not to be received 10 July 1662. James Low contra James
 of Kaims. Because the Judge having given his Definitive
 sentence has no more to do, the Seal being only the
 Clerks part. But it was found Relevant to Advuce that
 Decree, that the Judge had held his court and pronoun-
 ced it that day or hour before and so many times of sitting
 doing as done find us bound to participate the Advocation
 which was produced at the ordinary time, without necessity
 to prove otherwise the Subscribing Defigns to demerit
 inter Extem. But if the Reason against admitting the
 Advocation be Irrelevant or false, the Advocation is ad-
 mitted by the Judge, granted and signed by the Clerk on
 the Margin of the principal libel, where of a Copy is
 left in the Court. This puts an effectual Stop to all fur-
 ther procedure in the principal cause, without necessity
 of other Continuation to the party, who is presumed to
 be warned thereof apud Acta. If thereafter the Judge
 proceed his Decree will be null, as given Spete & Wan-
 dale. Thus the Enforcing to obtain a Decree before an
 Inferior Court after Subscribing of a Signature by the
 Clerk upon the Margin of an Advocation bearing
 the same to have been produced and admitted, was found
 to infer Contempt of the Lords Authority, and the
 offenders were fined in 100 Merks, without obliging
 the Author of the Advocation to prove otherwise than
 by the said subscribed Signature, which was probata

probata that the process was Commenced and depending be-
 fore the inferior court 26 June 1706. Nullities & Supplicants
 contra Shary of Rodcam & Enpiland. Seeing such signature is
 not to be subscribed by the Judge, but only by the Clerk, and
 as the parties might in such a case Abstract and Distroy his pro-
 cess, it would be hard to leave the field of law to be
 cleared where the Judge is concerned that the thing should not be
 approved. An Allegance that Advocation of a cause being produced, su-
 pervially issued early after the Judge had pronounced the General
 Verdict Decree, thereafter proceeded to file late to the Clerk the
 Special bond of the Defendant, had found Relevant to Advuce
 the Decree as given Spete & Wandale, and found proved by an In-
 affirmant under the name of the Clerk of the Court who signed
 the Decree. But in respect the Judge might have doubted
 whether his Decreeing generally without expressing the Spe-
 cial bond of his Decree, was sufficient ground not to admit
 the Advocation, the Decree was only turned into a libel 27
 Feb. 1676 Rolms contra Marshall. Advocation was found
 to fall a cause to be admitted to stop process before the Judge,
 to wit the Advoca-
 tion was upon Grantment of a Bailie to Judge in a manner
 and that the process did thereupon proceed before a Commissioner
 who was the proper Judge. Yet the Commissioner Decree was
 turned into a libel the 1678 Boyd & Inyson.

When a person against whom a Bill of Advocation is
 offered in time of session, designs to apply for a warrant to dis-
 miss summarily upon the libel, if they think the Reason of Advoca-
 tion Relevant, and that they will be satisfied the Praves in
 his petition, that the cause may be Advocated, and discussed
 summarily: but if he expect or intend only to have the cause
 admitted to the court where it is depending, he craves that
 the Reason of the Advocation may be summarily Disputed.
 Parties being called before the ordinary upon a warrant
 for Summary Dismissing, he doth then appoint them to
 produce in the Clerks hands their respective parts of the
 process, and to see and interchange the same when produced
 betwixt and a certain day: that is, the one to see the bill
 of Advocation with the said instructions thereof, and the other
 to see the libel and other pieces of the process. At the day
 prefixed, the cause is called before the ordinary. If the
 Bill of Advocation be not then produced, the party against
 whom it was given in craves a protestation and demerit
 for