

in the Boxes on Friday and no wife on Saturday. But this Regulation is not observed on any Friday or Saturday among the five last Term days of the term till of Dec. 1 Feb. 1715.

After the Bills are considered, causes peculiar to the Court house are called; Beginning with particular causes if any be appointed to be heard that day. Pleas being discussed, causes are called according to the order they stand in the Roll of the Rolls. The Roll of ordinary actions, or the Professor's book (as his Lordship pleases) are called upon any day of the week except Saturday. Causes in the hand Roll appointed to be heard on a certain day, should be personally called and discussed that day according to the order and date of the Discharge, before any other cause be called, Act of Regule. 1691. Art. 15. In ordinary actions, the Advocate pleads not only for and against the Relevancy ~~of the Libel~~ of the Libel, but also for and against the proof: both which fall under the Jurisdiction of the Lords. Where a cause is intricate, or the proof long and various, it is to be recommended to the Ordinary on Concluded causes for the time; or to some other Lord to make a state of the whole process, and a day is appointed for hearing the parties, or the cause is continued in the Roll till they be heard: and ordinarily a Copy of the state so prepared is put in the Lord's Boxes till Night before the cause is heard.

Saturday is set apart for discussing causes, where in proof is given by Oath of parties and witnesses, or by Deed. The Summary Roll of Causes where in the Evidence is made clear, is first discussed. Then the Lord proceeds to the ordinary Roll of Concluded causes. When the Lord finds the proof to be long, that it cannot be reviewed in a fore noon, or in the Beginning or end of a Session, the Roll of Concluded Causes is far behind; they are first Concluded causes on other days than Saturday. Concluded causes on other days and therefore not to be heard once inserted do not stay; and therefore not to be readen the not called for a year. If they be scored out of the Roll for the pursuers not insisting, they may be Errored de Novo: because in Concluded causes either party may insist, tho the other do. Not starr lb. 2 tit. 4. § 13. If the Defendor in a Concluded cause be absent, that

that doth not make a desert therein to be a desert in all such starr lb. 2. § 22. At Calling of a Concluded cause the pursuer may bar the Defendor's Advocate, if he had not paid his half of the fees for preparing and insolling aid of Regule. 1696 art. 7 till he pay the whole Act of Decr. 2 Novemb. 1711 § 12. When both parties are allowed to be heard, the Clerk reads the prepared state, against which any party may object. If the party against whom witnesses are produced, hath concluded a firmans of Reprobation against them and insisted thereon the other party may if he can, pitch upon witnesses not quarried in the Reprobation: And if they prove, there is no necessity to admit the Reprobation. But if they do not sufficiently prove, the Reprobation must be admitted before the Testimonies of the witnesses quarried are heard. It was not sustained relevant to Reprobate witness in the Cause of the Cause of Dillory, who had Depone and that they were worth the Kings Writs, that the pursuer of the Reprobation offered to prove witness above exception, that they were wales persons and not worth the Kings Writs. 31 January 1671. Melton contra Lady Melton. Nor yet was it sustained relevant to Reprobate their testimonies that they were infamous by Report, unless they had been declared infamous by a Judge, or found guilty of a crime that the Law declares to infer Infamy. Edom die inter Edom. But it was sustained relevant to Reprobate the testimonies of witnesses, inodium Formosa, that they were prompted or instructed how to give, albeit they did not understand to do so, or did not Depone conform to such instruction, without any oath upon these witnesses 31 January 1671. L. Melton contra Lady Melton. And Reprobation against witnesses was sustained upon their having got or been promised more than was fitable for their Charges. Edom die inter Edom conform to the civil law l. 33 ff de iudicatis iuncto l. 11. d. 16. § 1. d. Testibus. In a process of Reduction of an inferior Judges Decree, at the instance of a person having interest but not allowed to compare thereon the pursuer of the Reduction having objected against the witnesses in that Decree; and they upon Reexamination at his desire, having acknowledged, that they had been prompted how to depone and were promised a good Deed to Depone for the Contumelion or Absorption was found not instructed by their own testimony posterior to the sentence.