parties oath, without a Special Mandate for that Effect 4 January 1709 Hardy contra Allan and Chisolm, etiam in re Minima 18 January 1712 Inglis contra Fuller. As in the sovereign Judicatories the King has an Advocate called Lord Advocate, who Defends his Majesties Right and Concurs in all suits for breaches of the peace and other Crimes: So the King hath in Inferior Courts a procurator in whose Name Crimes are prosecuted, called Procurator Fisci [redacted] procurator Fiscal.

No Inferior Judge hath power to summon a party out of the Country upon 60 days without a preceeding Warrand obtained by the other party from the Lords of Session 9 January 1629 Salmond contra Courtie. But the Lord of Session used by Deliverance upon a bill to grant Letters to summon such persons upon sixty days to Compear before any Inferior Judge Spotswood Pratt. Git. summons and Libel. [redacted]

An Inferior Judge as a sheriff was found Competent to Judge in an Action upon a Charge to Enter heir: Albeit it was pleaded, that if the Defender should Renounce to be heir, it belonged properly to the Lords of Session, and not to Inferior Judges, to try if the Renunciation were sufficient or Not, or what should be the Consequence of it, or if the party might be Reponed against his Renunciation or Not; which was Repelled 26 March 1631 Seaton contra Hume.

Inferior Judges were found Competent to proceed in Contraventions of small Importance, Especially where the same proceeds upon Acts of Law borrows found in their own Courts, as where one was Inacted in Any Inferior Court Books to keep the Kings peace, under the pain of 40 pound 12 March 1622 Marshall contra Blair. An Inferior Judge may (without an Assize) try offences where of the punishment is not Corporal but only a pecunial Mulct, by the offenders Oath or by Witnesses 13 Feb. 1634 The Baillie of Melross contra Darling.

Where

Where Arrestment is Executed by Warrand of a precept of an Inferior Judge; No other Inferior Judge is Competent in an Action for Making such Arrested goods for the Coming: because the Acts and Jurisdictions of Inferior Judges are Distinct, And par in parem non habet Imperium, one may not Usurp what pertains to his Equal, 8 March 1634 Smith contra Miller. Sed Quaeritur if any Inferior Judge may not hear and Determine in an Action of forthcoming of goods Arrested by Virtue of letters of Arrestment Directed by the Lords of Session. Seeing the Lords Jurisdiction is Universal, and it would seem that any Inferior Judge may proceed upon Arrestment Warranted by their Lordships, as he may proceed upon an Obligation Registred in the books of Session

What ever he as to this, the Lords of Session sustained Action of forthcoming before themselves, upon a precept Directed and Executed by Warrand of the Precept of an Inferior Judge 22 March 1637 Finnie contra Gray.

A Decreet of an Inferior Court was found Null for want of proof: in so far as it bore only that the Defender Appeared and Confessed the Debt, without Making any allegation or Defence, or subscribing his Acknowledgement 19 July 1665 Gum contra McKewn. And the Lords are in use to find Any Decreets which are Given by Inferior Judges upon the Defenders Confession or Consent not Warranted by his own subscription Extant in the process, and the Assertion of the Clerk or his Minute in the process not Authorized with the parties subscription; not sufficient to Bottom such a Decreet upon; except the Confession be Made by the Defender after he was Cited to Appear to give his oath of Verity before the Judge upon the Libel or Claim Referred to his Oath, and the term Circumduced 17 June 1624 Clerk contra Brown.

The Diligence used by Inferior Courts for Execution of their Decreets, is called a precept, as a precept of poinding, precept of Ejection, Precept to pay or perform what is Decerned. Which may be put in Execution after the Death of the Judge who Issued forth the precept or after he is turned out of Office: Because such Precepts are in Effect Decreets, Spotswood Pratt. Git sheriffs. Stewart Answers to Dirlet Doubts Cpt. sheriffs. 22 January 1629 Mastertoun contra