

Contra Robertson and no Inferior Court hath any other kind of Execution. Except of King's Royal who are privileged to Grant Acts of Winding. 2. The Judge Admirall who had power summarily to Arrest or Attach persons till they find Satisfaction Judicio fidei, or Judicium folio, or both. Forning, Caphony Arrestment pointing etc. may be Used on Decrets of all Inferior Courts except Barons, upon which Decrets the only Executions pointing or Corporal punishment. But no burning or Deal Execution can pass upon bonds Registered in the books of Inferior Judges, or Decrets Recovered before them, Unless a precept be raised and a Charge Given thereon and the Days of the Charge be Expired. Dalled styles pag. 68

Inferior Judges fine for Contumacy in ten pounds 7 Feb. 1624 Sandiland contra Robertson 6 December 1628 Crickton contra Will. Jone. Fine who win a proceff for blood or the like at the instance of the procurator Fiscal and the Party Injured, the Defendant is fined for Contumacy in Not appearing to Answer the claim; the Judge may after sentence discharge that fine, because the charge is long to the Judge and is inflicted for the Contempt of the Judge 26 November 1633 Lindsay contra Garrauld.

No Inferior Judge can sit in the Vacation, time, without a Dispensation from the lords of Session 23 July 1713 Honyman contra Bliphant & her husband. Fine a Decret in the Vacation time was found Null, because it bore not to have been given by virtue of a Dispensation; about the Judge pronounced thereof had a Dispensation, being the Decret did not mention it 6 Feb. 1624 Gordon contra M'houghe. No right such Dispensation to be granted beyond the 20 day of March, and beyond the 20 day of August, act of Parliamt. 21 July 1696. Because thereafter men are taken up in sowing and Reaping the Corn; and the Well of the Country Requires, that Judicial business should cease to Extrajudicial in good time and harvest, that these may be Carefully attended.

But the foresaid Rule hath some Exceptions, as 1. Inferior Courts may sit down after Michaelmas had Court whereas Just. tit. 1. Jul. 4. 51. 2. Inferior Courts may try Crimes at any time without a Dispensation, ubi periculum est in Mora for Interest Republice that Crimes be punished without Delay M'houghe ibid. Act 13 July 5. Parl. 1711.

3. The Giving of Quitts to Pupils, serving of heirs &c. may be done about any time: because fall line Actus Voluntary Jurisdictionis. 4. Commissaries may confirm Testaments, and Reguodes Bells in order to Confirmations and may judge in Divorces Secundal and other Causes of which they have a private Jurisdiction in the first Instance, even in the Vacation time. 5. Barons can hold Courts among their tenants at any time without a Dispensation 8 July 1624 Richard son contra Ray 14 January 1662 Richard son contra Jowars of Gildi country. Because such Courts require small Attendance, and do business sine propeitio Juris. 6. A Decret of a Commissary given in the time of a Vacation without a Dispensation was sustained, because it was given against one Comparing, who, not having made that Defence before sentence, Disobatur Comparisse in Judicio, and could not thereafter Make it 6 December 1628 Maxwell contra L. Minto.

sect. 1.
Of the Court of Admiralty.

After what hath been said concerning this high Court in the second Volume pag. 712 & 713. It Remains here only to set forth the Judge Admirall's Civil Jurisdiction. In his Civil Capacity he is sole Judge of all Maritime Civil causes foreign or Domestic without Association Act 16. Parl. 3. Ch. 2. such as Relate to Navigation or freighting of Ships, Differences betwixt Masters and seamen, Masters and Owners, Masters and freightors, bills of Bottomery. The Admirall was found competent to Judge in a proceff against the purchaser of a King of Wines adjudged as prize, and charged by order of the said Admirall for payment of the penalty incurred by the purchaser for this his not performing the Articles of the 26 June 1705 Hoggins contra Brand. Because the Admirall who was the only proper Judge to the King had not power to Judge of Penalties incurred thro' not fulfilling the Articles thereof, his Jurisdiction in the Matter was all together insignificant Arrestment on an Admiral proceff for payment of bills of Exchange was sustained 19 July 1706 Gurnbull contra