

DECLINATOR.

1532. *February 15.* MASTER of GLENCAIRN *against* PRIOR of ST ANDREWS.

GIF ony Lord of Sessioun, or uther Judge within this realme, say to ony partie, or his procuratour, that he micht have better libellit or zit answerit better to the libel intentit aganis him nor he did, he, as suspect and partial in the cause, may be removit at the desire of the partie.

No 1.

Fol. Dic. v. 1. p. 230. Balfour, (JUDGE.) No 18. p. 285.

1545. *March 4.* LORD METHVEN *against* LORD GRAY.

DEIDLIE feid standand unreconcilit betwixt the partie and the Schiref, or ony uther inferiour Judge, the said partie and his partakeris, with their houshold-men, tenentis, and servandis, aucht and sould be exemit fra the jurisdiction of the said Schiref or Judge; and the Lordis of Counsal are Jugeis competent to all actiounis and causis concerning the said persoun, and his foirsaidis, quhilk aught and sould have had process befoir the said Schiref or Judge, to be callit befoir thame, but diet or tabil.

No 2.

Deadly feud betwixt a party and an inferior judge, was found a good reason of advocacy.

Fol. Dic. v. 1. p. 229. Balfour, (ADVOCATION.) No 2. p. 340.

1545. JOHN WEIR *against* JOHN BANNANTYNE of Corhouse.

GIF the partie alledgeand, that the Judge is suspect and has gevin partial counsal aganis him, and the Judge at his desire purgis himself theirop, he may not thairefter desire the cause to be advocatit fra him, as Judge suspect and incompetent, because, be the proponing of the said exception of partial counsal, and the Judge's purgation maid thairanent at his desire, he is understuid to have appeivit and admittit him to be Judge, and thairfoir efterwart may not decline his jurisdiction.

No 3.

A Judge, purged upon oath of partial counsel, may not be declined.

Fol. Dic. v. 1. p. 230. Balfour, (EXCEPTION.) No 4. p. 343.