

eations in particular, Stair says that they were confined to the Court of Session; L. 4. tit. 1. § 35. And § 36, he says, 'That the Lords do advocate from the Commissaries, and that the Commissaries of Edinburgh may reduce the decreets of inferior Commissaries;' which is agreeable to the act 1609, establishing the Commissaries of Edinburgh.

And as for appeals, it appears from the 19th article of the instructions to the Commissaries, that these were at that time in desuetude; and that the Commissaries of Edinburgh could not review the proceedings of inferior commissaries, otherwise than by a libelled summons of reduction.

'And accordingly it was found, That the Commissaries of Edinburgh have no power to advocate from inferior Commissaries.'

*Fol. Dic. v. 3. p. 354. Sel. Dec. No 205. p. 272.*

No 271.

## S E C T. II.

## Extent of the Jurisdiction of Commissaries.

1622. July 10. SILVERTONHILL against His SON.

THE LORDS found the Commissary of Glasgow judge in an action pursued by Silvertonhill *contra* his Son, to hear and see him decerned and ordained to subscribe a charter, because of his promise; which promise was referred to the son's oath.

*Fol. Dic. v. 1. p. 505. Kerse, MS. fol. 175.*

No 272.

1622. November 26. LIDDEL against DR ROB.

IN an action of suspension pursued by ——— Liddel, midwife in Aberdeen, against Dr Rob in Aberdeen, for suspending of a decret given in favours of Rob, against the said Liddel, by the Commissary of Aberdeen, decerning her to pay to the said Rob the sum of L. 80 Scots, which was modified by the Commissary, for the price of the curing of the said Liddel, and pains taken by the said Rob therein, as the said decret proported;—the LORDS found, in that same suspension, that decret null, as being given by the Commissary, who was not judge competent to that nature of action; albeit the party, obtainer of the decret, *alleged*, that the Commissaries have ever been judges to actions *super salariis medicorum*, of the nature whereof that action was; and that the

No 273.  
The decree of a Commissary, modifying a sum to a physician for a cure, was reduced.