

Bishop supplicated the Lords to recal the advocation, as being unwarrantably passed, whereby church censure was hindered, and would be of evil example and discouragement to the church, if church censures for scandal were advocated to the Lords, not being the subject of their jurisdiction. It was *answered*, That the Lords have a general jurisdiction directive of all the judicators ordinary, civil or ecclesiastic, and they may, and do ordinarily advocate criminal causes and processes from the Admiral, and confirmations of testaments, though the Lords cannot judge these things in the first instance, as they are the King's Council in matter of law in private rights; so that if there be incompetency, or inordinate processes, they may advocate from these courts, and may remit it to others nominated by the Lords, in place of these judges, if they be proved to have malversed; and if the bishop of one diocese, or minister of one parish, should summon persons without that diocese or parish to be censured for scandal, there could be no other remedy but to advocate to the Lords, and to remit to the competent judge. But there is much more in this case; this beadle having a gift from the King to be beadle, and not chosen by any church-man upon the King's presentation, in which case churchmen might depose those whom they had instituted; but the design of this censure is to depose the beadle, and to take away the King's gift.

THE LORDS remitted the cause to the Bishop and Clergy, as to the church censure, without prejudice to the King's beadle of his gift, as accords.

*Fol. Dic. v. 1. p. 497. Stair, v. 2. p. 819.*

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before the  
Dean of the  
Chapel Royal,  
and remitted  
it to the  
bishop and  
clergy.

1696. June 5. ALEXANDER *against* SHERIFF OF INVERNESS.

MR ALEXANDER, minister at Glasse, being pursued before the Sheriff of Inverness, for intruding into that church, presents a bill of advocation, on this reason, that he has an act of the Privy Council, giving him the protection of the Government, and allowing him to continue at that church; and by the 22d act 1695, intruders, before the date of the act, are only convenable before the Privy Council; and sheriffs and other inferior judges are only authorised to execute the act against such as should intrude thereafter. THE LORDS advocated the cause to the Privy Council, and not to themselves, the competency of judicatories being a point of civil right only determinable by the Lords, even as they will advocate to the Justices, &c.

No 127.

*Fol. Dic. v. 1. p. 497. Fountainhall, v. 1. p. 718.*