

favour of the suspender ii June 1675 Scol contra Murray. Reason of such pension may be received by way of Defense in the process of forthcoming or Repudiations And in a forthcoming any other defence not Competent by way of suspension, requiring a term to prove, may be admitted: & the same Repudication, such defence only as are justly verified at discussing of the action will be received, Reserving others contra Ecclesiastical ^{Common} 26 July 1676 Boyd contra Boyd. As a simple suspension is effectual to stop Charges and denunciations of Excommunication and the consequences thereof, and stays pending Execution on decreets of for the coming: so it hinders the Entering of Pleas by others than their Immediate Superiors till the suspension be Dismissed. The Effect of a Suspension and the execution is 1st to give personam standi in iudicio, 2^d to Excommunicate Ecclesiastical goods required after Excommunication. Concerning the Effect of a Suspension and Charge to sit at Liberty and stop pag. 1202.

In the latter of Suspension there is a day assigned to file the Charges, which ought to be such as, according to the Distance be trival (the parties), there may be sufficient time to file Citation. But if a longer day be appointed, the Charge may raise a Summons for shortning the same, there called summons provento terminis. In which it is stated that he having raised letters of harning and Charges E. D. the same were suspended upon most frivolous Reasons to a long day, there by to postpone the pursuers payment: and Concludes, that the suspensor should bring with him the said Suspension the 8^c. day of 8^c. provento terminis, to hear and see the same called Reasons and Dismissed. With Certification, that if he fails, the Lords will allow the suspension to be called for by a short Copy and did not protestation therein and ordain the latter to be put to further Execution.

When in time of Session before the suspension is Expired, the Charger gives in a petition to the whole Court for a warrant to Dismiss the Reasons summarily upon the Bill; he tacitly Renounces the security of Caution or Confignation, which is only required from a suspensor in case the Suspension pass the Regis to be cause the Charger may insist to have it Dismissed when he pleases. & that the Charger while the Session

sits, has it in his option, either to Dismiss the cause summarily on the Bill without Caution or Confignation, and thereby suffer no delay; or to let the Suspension be expired at the day not upon Caution or Confignation, according to the Nature of the Charge. If the Charger after obtaining such a Warrant to Dismiss summarily, delay to insist, before the ordinary, the suspensor who ought not to be put to answer his attendance, may apply to the ordinary to call him to insist. When at Calling the Charger insists, and the suspensor appears not, the ordinary grants justification of the Charge. When the suspensor insists and the Charger appears not, he may crave and obtain protection against the Charger for not insisting: Which will have this effect, that no sentence can pass against the suspensor till he be charged or sworn. By the suspensor may if he think fit repeat his defence of suspension, upon which his former Plea and instantly verified, he may obtain a Decree of Suspension absolving him from the grounds of the Charge.

If a Bill of Suspension be offered against several Chargees upon Multiple pointing or Distress, that the suspensor may be liable but in once and single payments, the one of these Chargees feel the Reasons to be Dismissed summarily upon the Bill, the Suspension must be expired against the Rest. Seeing a Warrant to Dismiss summarily obtained by one of them will not operate against others not consenting, nor secure the suspensor at their hands. In order to Dismiss the Compellition, the suspensor must also raise a summons of Multiple pointing, and call the whole Chargees therein under a Certification, that if they appear not or produce not sufficient Right to the Subject, they shall never be heard thereafter to Charge, or make Rest again in any sort, at least, that pay more to the party personed, than absolutely free him, seeing they are not obliged other ways to answer. A Charger having applied for and procured a Warrant to Dismiss summarily, a Suspension upon Multiple distress; the suspendors who have executed a summons of Multiple pointing, are not obliged to Debate, till the same come in by course of the Roll; and the Charger is not allowed to pass from the warrant for summary Dismissal, so as to oblige the suspendors to Expire their Suspension in Common form 3 Feb. 1706 Str. not contra Commissioners of the Equivalents.