

terms are assigned for proving. Delinquent are issued out for  
eking witnesses, in the same manner as against takers of spirits  
When summons proceed upon a bill, these words shall  
be taken. Dominorum Bonfidei, have adjoined to the fool thereof.

The summons is subscribed by a writer to the signet, and then  
both pass the King's Signet.

A signed summons must be executed or served against  
the Defendant by a Messenger at Arms. Writ formerly used to exe-  
cute the summons before it was sylebilled, and to give to the  
Defender if personally apprehended, or leave for him of a bond  
within Scotland, at his dwelling house with his wife, child or  
servant if he got Entry, a short Copy of the summons subscribed  
by the messenger act 129 Parl. 12 of C. or to affix it on the Gate  
after six knocks if he got no success act 75 Parl. 6 of C. Writ  
Copy is also a Citation, a Warrant because it has the Defendants  
appearance for writing the Certifications in case of not appearing.

But seeing it tends much to the Disparatch of business, that before  
the first Calling of any action but the Rolly parties were better  
advised of what is to be alleged: A summons must now be  
served it is executed be fully sylebilled and the pursuer is obliged to  
explain at large his cause of Action in the Citation. That is a full  
Copy of the Libel or the Declaration or Charge drawn up in  
writing on the part of the Pursuer or actor, to which the Defender  
is obliged to answer must be given to him with the Citation, and  
where there are more Defendants than one, each of them ought  
to receive a full Copy of such part thereof as concerns them  
Respective. But of Summons of Deposition of Quair and Diet  
or Ranking and sale of Exhibition ad Deliber and any summons  
for Binding Curators, Summons of transumpt, of Wakening  
and of Multiple pouding, no more than the short Copy need  
to be given. And it sufficeth to give a full copy of a summons  
of pouding the ground to the creditors, and of a summons of post  
comming to the Principal Debtor whose goods are arrested  
without prejudice of repeating a summons in order by  
way of Defence as formerly. Nor when the summons is sylebilled,  
the Defender is not obliged to answer to more than what  
is contained in the Copy delivered to him act of Ed. 1. 16 Feb.  
1723. In case of multiple pouding, no more than the short Copy need  
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Expressing the Designation of the pursuer, either as alleged  
Debtor to such a person, or as tenant or Debtor of the Rente  
of certain lands mentioned in the Copy. And a Libel of Rente  
= cion or Reduction and Improbation, must set forth pecially  
the writs where upon the pursuer founds his title act of  
Ed. 31 Decemb. 1725.

The

The Alteration given by the summons to the Em-  
ployer of what he hath done in serving the summons, was  
invented by the Re herge, because he said it in Court by  
Word or writ, having sufficient witnesses of Divers Baronies  
to swear there, that they by staid saw and heard, and for  
witnesses were Jane &c. act 112 Parl. 9 of J. But now is termed  
Executions which might be sylebilled by the Messenger and writ  
= nesses act 14 Sept 2 Parl. 3 of J. But Executions of a summons are  
= sive to what they call in England the Return of a writ. In force  
= ly Executions a part Related generally to the summons and boreth  
= ly, that the Executor cited the persons within written, without men-  
= tioning them particularly; Wherby some times it happened, that  
the Execution of another summons at the same pursuer Instance,  
was attributed to a summons that perhaps was never executed,  
for interrupting prescription, or other legal Effects. To prevent  
such an Inconvenience, in all executions the Names of the Designations  
of the pursuer and Defender must be expressed, otherwise the  
Execution is not to be sustained act 6 Parl. 2 Sept 3 of J. Neither  
for interrupting prescription, nor for any other legal Effect.  
M. G. v. G. act 16 Feb. 1711. But this is required only in the  
Execution of summons, and not in other Executions, as those  
of letters of Jurisdiction 16 Feb. 1711. Forbes and his Factor contra  
Watsony or inhibition 5 July 1713. Brodie of Parkboth contra  
Mitchell. The Execution sylebilled upon the summons, and not  
sent on a dedute apart, bearing on ly that the persons within  
written were cited may in the Lord Haits opinion (16. 9 Feb. 35  
§ 12) suffice to answer the Design of the Law requiring the Names  
of pursuer and Defender to be expressed. And yet such an Ex-  
= cution of a summons was found fault 26 Novemb. 1680 Lady  
= Long lastic contra Alexander &c.

A sylebilled and procurator summons makes a Depending  
action after it is executed, but not before 23 July 1766 Elphing  
= Ken Contra Creditors of Strickland 4 Feb. 1693 Crandall contra  
Her of Moriston opposed by Diabolours.

If a summons be not executed within Year and day after  
its date, it prescribes, and no process will be sustained thereon  
22 July 1683 Row contra S. Stormont. The Day of Compareance  
for the first diet must be within Year and day of the Citation.  
Otherwise it is void. Albeit the same be executed within the  
Year 3 July 1711 Brown of Braid contra Barr lairs. Because  
the Common Rule Runs to Compare the 30 day of Dec. next  
to come, which argues that the first day of Compareance  
should be call within the Year. But it sufficeth that the day  
of Compareance for the second diet be within Year and day  
of