

Upon Confignation of the protested Money, than such a Bond of Decree do: the Deliverance of a Bill for Suspension of a protestation must bear, that it is the second or third or such a subsequent suspension; otherwise the Lord will recall it, the Expedient the sign'd Act of Decr. 20 July 1677. At the passing of such a Bond of Decree, the suspender's oath is taken concerning this being any of the writs called for; and he is ordained to Confign in the hands of the Clerk of the Bills, such as he has acknowledged the having of.

A Bill of Suspension at the first instance of a person incarcerated, craving a Charge to be set at Liberty cannot pass unless he present previous intimation of the time of presenting the Bill within the limited of Eight days, to the Creditor at whose instance the suspender is in prison, if within the Kingdom, Act of Decr. 21 July 1677, that he may be heard before Liberty is granted, and not put to uncertain Attendance, it being unreasonable to set debtors free after the ultimate Act of Execution without a full Confignation of the debt.

Some times debtors charge for more than is due; suspend upon Confignation of the sum truly due; which stops the course of annualment, &c. &c. &c. And may be warrantably made avoiron, protestably Deliverances or Bonds of the Lord upon the Charge's Peril if left, without a previous offer of the Money to the Creditor since 15 Feb. 1673. Moral contra Lockart to Tho an offer of the sum due should precede a Voluntary Confignation made by the debtor to his Creditor who is not seeking payment; the omission whereof would turn the Confignation upon the peril of the Configner, and oblige him to make the sum Configned effectual to the Creditors and if an assignee or singular Successor who may be ignorant of Discharge granted by the Decent or Author, Charge for more than is due, the suspender ought to produce to him the Discharge, and offer what is due before he Configns other way the Hazard of the Confignation will go upon himself. Stat. lib. 19 Oct. 1854. When a Sheriff charge ex officio an Executor for the Debt imposed upon his lands, who suspends upon this reason that part here

thereof was paid, and he Configned what was truly due; the suspender was found obliged to uplift the Configned Money. Upon his own Charge, in respect he did not before Confignation produce his Discharge and offer the Suspension to the Charge's July 1675. E. Queensberry contra D. Bueloughs. It is understood to be understood to Charge for more than is due, when he Charge not only for Principal sum and annualment, but also for the whole penalty, which ought to be modified so that it sufficeth for the suspender to Confign the principal sum and annualment. All Discussing of which suspender the Lord will modify a Sum for the Expenses to be added to the Configned Money; which being done, they will suspend the Letters of Privilege, and give a Warrant in the Decree of Suspension to the Confignatory, to Deliver the sum Configned to the Charge upon his paying the Expense of the Confignation. But if the suspender do in more his Bill upon by not Configning the expenses modified by the Lord and thereby put the Creditor to the trouble of Charging him de novo; he will find himself liable to bear the Expense of the Confignation de novo.

To prevent the Multiplicity of suspensions, the ordinary may pass Bills in part, as the reason appears to him instructive, and refuse them as to the remainder upon which letters will be expedite as to that part only. Act of Decr. 20 Novemb. 1711 St.

When a Bill of Suspension is ordained to be seen and answered, and execution put for a time, during the first Bill of Suspension can be taken in by the Clerk of the Bill Chamber. And it is an warrantable bill in a messenger to commit one to prison by virtue of a Caption fact, still after intimation of a Bill upon a Bill of Suspension, albeit he was in the messengers' hands before intimation or procuring of the Bill 27 July 1710 Lamb supplicant contra the Lord and Gibson. Inertius if when a Bill of Suspension lists Execution to be executed, that day is understood to be excluded; and if it be esteemed a Contempt to do Diligence on that day.

The ordinary who passeth a Bill of Suspension is ordained to Mark upon the back thereof any