

principal written Copies or Instruments of Statutes given with the Bill for suspending the Reasons of such suspension: Which writ so marked the Clerk must retain in his hand, or Deliver upon Receipt to the Chargee, that they may at depending the suspension be Approov'd. For if they be not then produced, the suspender will not be heard upon his Reasons, and will be Com'd down in large Expence to the Chargee: Because such writs being made use for delay, are presumed to be false and forged Act of Decr. 11 Novemb. 1691. The Clerk must always write the date of the Deliverance upon a Bill in presence of the ordinary when it is sign'd Act of Decr. 3 July 1677.

When a Bill of Suspension is pass'd, the Suspendor is allowed a fortnight's rest of Execution to find Caution or Bond, in the terms of the Ordinaries Act, or otherwise. When Suspension passeth upon Dividing the Bill and Answers given thereto by the Chargee, the Chargee is presumed to know thereof, and therefore is in per se liable to Execution for a fortnight thereafter. After the suspension is pass'd for four their security to terminate the passing of the Bill to him so soon as can be conveniently done: and the Chargee if he goe, or use other summary Execution by a Writ or by a process of Attachment before a Court, he is guilty of a Riot. If the Chargee be not at hand, it is Expedient for hindering Regretation of the passing, or the depending letters of Execution upon a Bill of Suspension already pass'd, to terminate the passing of the Bill of Suspension to the Keeper of the General or particular Register of Writings, and to the Keeper of the signet, if ~~the signet be not found~~ or his signet be not found or his signet be not found within such a time, a prorogation of the Bill to a longer day, not Exceeding a Month from the Date of the first presenting of the Bill, may be obtained upon Application to the ordinary Act of Decr. 3 July 1677. A Bill must be terminated, but if the Suspendor want a Stop beyond the said Month, which the ordinary cannot grant, he may get a lift for a Competent time, by offering a new Bill of Suspension, upon the same Reasons contained in the former. The Clerk of the Bill is liable for Damages to the Chargee if he Receive an Insufficient Caution, and to the Suspendor, if he Receive one that is sufficient.

Act of Decr. 18 Feb. 1696. If the Clerk Receive a Cautioner whom the Suspendor Contented to be sufficient, the ordinary may proceed upon the Grounds Alleged here in, and in case of Difficulty, he may with the Lords. But the Lords seldom enter into that Matter, and leave the Clerk to accept of Caution, as he will be answerable. When the Condition of a Cautioner is doubtful, or Underscore to the Clerk, some person more Responsible and more acceptable must first step and declare him to be sufficient. Such a one, who is a kind of Surety of the Surety, is termed in France a Porteur, because he first sets or stints the Surety, that his first Surety is good; and we call him an Attester. Formerly Attesters Engag'd only for the Cautioner's Solvency at the time of the Attestation 11 Novemb. 1669. But for want of a Statute which put the Oath to a strong and tedious proof of the Cautioner's Condition there. But now the Attester should give as Surety for the Cautioner, and be liable to Execution in his order, as fully as the Cautioner, and the Clerk will be liable to the parties for their Damages, if they take any Attestation a third way Act of Decr. 27 Decr. 1677.

If a Suspendor, who had got his Bill pass'd upon finding Caution, is unable to find Caution, he may give in a new Bill, bearing an offer of Surety Caution, that is such Caution as he can get, and to prove that he can find no better. Because Bills bearing an offer of sufficient Caution are more easily pass'd than when Surety Caution is offered. A Bill of Suspension offering sufficient Caution is allowed to be Exp'd upon Surety Caution, and the ordinary must terminate the Cause in the Grant of the Bill with respect to that sort of Caution, as if the former Bill containing the same Reason had not been pass'd. But that the Chargee may have opportunity to object against Surety Caution, a person pretending to suspend upon such Caution may previously terminate to the Chargee personally or at his dwelling place, if within the Kingdom, before a Notary and witnesses the particular day when the Bill is to be presented, and must give in the Bill with the Instruments of Submission to the Clerk within six days after the day mentioned in the Instrument, otherwise it cannot be presented before a new Instrument is taken. Upon which Caution only the Bill can be pass'd only by the whole Court in time of Session, or by three Lords in the Vacations, and the Chargee must be called to the passing thereof. A Suspendor upon such Caution must also, before Exp'ding the Bill, Enter upon and Bond in the Clerk's Hand in favour of the Chargee.