

After a Summons is called by the Clerk, and the process appointed to be seen by the Defendant's Advocate, the pursuer's Advocate will on the back thereof: Such a day given out to W. D. Advocate for the Defendant, this Summons, one Execution, or so many Executions as there are, and the Names of such writs as the pursuer had to instruct his helow, till to see, and sign the same, which is called an outgiving of the Process; and pursuant to those Statutes in the Civil Law, l. 1. Sec. 20. It is done that the Defendant may know whether he shall Yield or Contend. The process is delivered to the Defendant's Advocate or his Chief Serwant, without any receipt, who is allowed to keep the same six days and after six days must be returned by him with his signed writing thereon, such a day seen and returned by W. D. Which is called a Return. If the process be kept up longer by the Defendant's Advocate, the Regulation 1672 concerning the session Article 20. 21. fines him: But that is not the present Remedy for getting process duly returned being to offer a Complaint signed by the pursuer's Advocate to the ordinary upon the Bills, who will sign a Caption against the Advocate's servant who got out the process, but of Sec. 11 Novemb. 1691. This Caption is executed by a Mercer, who will apprehend and incarcerate him till he be taken the same will be done, and pay half a Crown to the Mercer for his pains. Sometimes ^{upon} a Complaint by the Advocate whose servant is arrested for not returning a process, the ordinary grants warrant also for apprehending the Agent to whom he gave the process, and till it be returned both are confined. If to disappoint the Effect of the Caption, such a caveat of the process keep out of the session house, and abscond, whereby the pursuer is hindered to produce his process in due time: The Clerk upon a Complaint of this given in to them in presence will appoint the Detainer of the process to be cited by a Master personally or at his dwelling house to answer, and upon Evidence of the facts they will not only fine the Delinquent, and oblige him to pay the whole Charges of the Complaint, but also will grant a special warrant to the process to those already in the Roll. If at Calling of a Summons by the Clerk against several Defendants, an Advocate is wanted for appearing, he is called for them and returns the process, that Advocate will be held for

Comparing for all the Defendants, unless by his Return upon the process, he qualify his Comparance and Express, for which of them he compares, and for which of them he doth not compare. Act of Sec. 23 Novemb. 1680. Not well the Detention or Dath of an Advocate who returned a process against several Defendants definitely, that he was not employed nor compared for one of them, he is intimated to make a Decree against him to be held for a Decree in absence as to that party for whom the Returner of the process did intend his having appeared 11 Decemb. 1678 Grant contra Mckenzie. When there are more Defendants than one called in a process, and several Advocates comparing for them, the Advocate principally appointed to see the process must return it within four days into the Clerk's hands. Where being returned, it must be seen by six days before it is called: in which time any Advocate for the other Defendants had leave to see and borrow up the process from the Clerk for the space of 24 hours upon Receipt and Configuration of an Amand according to the Importance of the cause; and in case he do not reproduce the process within the said space, he upon Complaint, the Clerk, loses the Amand and pays six pounds for each day after that he keeps the process. For which time Execution is to be used as for not returning process given out to the Advocate of the Defendant by the pursuer's Advocate, Act of Regal 1672 concerning the session Article 21. June. Act of Sec. 16 Feb. 1723. & Act of Sec. 19 July 1729. When an Advocate to whom a Process was given out, finds himself not concerned for the Defendant, he writes upon it, returned as Not for the Defendant, and signs the same. At the returning of a process by the Defendant's Advocate to whom it was given out to be seen by the pursuer's Advocate or laid up by the Clerk within six days after returning thereof by the Advocate principally appointed to see the same; the Defence Dilatory and Preteritory signed by the party or his procurator Comprehending an acknowledgment or Denial of the facts, which was once ordained to be returned there with, together with the said facts were to be held as acknowledged of Sec. 16 Feb. 1723. These Defences returned with the process