

be a libell'd summons *habeas corpus* for that Effect
 d. Act 21. 51. *Actions for Ministers Stipends Rents and Debts*
 of Universities, Colleges Schools or Hospitals d. Act 27. 51. 52.
 53. *Actions for School Masters* d. Act 19. 51. 6. *Actions for School Mas-*
ters fees 7. *Actions or Superior Judications* for those in all
 Defences are *Advised contra Executionem*; and *Actions of the*
vernum because therein no point of Right is Determined, for
 all *Advised* by the *Regulation* Roll. When the day of *Compearance*
 in *Actions of Winding up* or in *Actions of Transference*
 of *profits* upon the death of the Defendant is *Elaps'd*, the
 principal cause to which the former is *Accessory* may be *pro-*
ceeded as if had *Never* *Existed*; and that to which the latter is
Accessory may be *called* *Summarily* by way of *Act*, Act of 16
 20. 7. July 1688. *Actions* *Continued* *Against* persons called
Defendants are *Summarily* *Discontinued*: As when a *Woman* *is*
Married *pendente* *litte*, the *process* is *Continued* and *Dis-*
continued *Summarily* *Against* her *husband* before it can *pro-*
ceed *farther* *Against* her self. *Reductions of Acts* are also
Discontinued *Summarily* *Stat* *Ab. 4* *Tit* *36* *§ 3* because *Law* *pro-*
sumes *parties* to have *acquiesced* from their *Not* *Bringing*
a *Redification* by *bill* *Month*, which they *Might* have
Done *in* *again* *Actions* *Against* *Abdell* *persons* *Given* *for*
Contempt of the *lords* *Authority*; or for *Swearing* or *Atte-*
mping *their* *deveraries* with whom they have *process* *Di-*
pending *are* *Summarily* *called* and *Discontinued*. Some *causes*
 are *proh'd* to come in *Summarily* upon *Bills* to the *lords*
 without either going to a *Roll* or *Giving* the *Defen-*
 ds *Warrant* for *Dismissing* *Reasons* of *Provoation* or
Suspension on the *Bill*; *pendent* *Actions* for *Request*
 ing or *Suspending* *Charter* *Rights*; or for *Naming* *Factor*
 in a *Competition* of *Creditors*; or for *obliging* *Tutors*
Nominat to *Accept* or *Refuse*; *Complaints* *Against* *Man-*
bers of the *Roll* *up* of *Justice* in *Relation* to their *Em-*
ployment or *Trust* from their *Clients* as the *Quarrying*
 of their *Writs* &c. *Complaints* *Against* persons *pro-*
 for *Contempt* of the *lords* *Authority* or for *Attacking*
 and *beating* their *deveraries* *pendente* *litte* 20 *January*
 1684 *Murray* *contra* *Murray* &c. all which *causes* are
Discontinued *Summarily* upon a *Remit* to some *Ordinary*.
 When

When a cause comes to be called before the Ordinary
 according to the Course of the Roll, the pursuer *Compearance*
 if the Defendant be *Abdell*, or *Not* *Ready* to *Debate* may
 get a *Tax* for the *Expenses*. But when he cannot *Stand*
 by *prove* his *libel*, he *chooses* rather to take a *Term* to *pro-*
ceed according to the *Usance* *Usance*, than to have a *Decree*
 which might be *questioned* as *the* *for* *want* of *proof*. Which
 being *assigned* to him is called an *Act* of *Actis* *Contestatory*,
Actis *Abdell*, or *partem* *non* *Compearance* *Actis* *Contestatory*.
 A *Decree* or *Act* as *the* *Interlocutor* so *pronounced* in *ab-*
sence of the *party* must be *signed* the *same* *Day* of *Actis*
 8. July 1709. And it *not* to be *signed* or *Recalled* but upon *pay-*
ment to the *pursuer* of *ten* *shillings* *sterling* or *more* as
 the *said* *Ordinary* shall *Modify* *Act* of *Actis* 20 *November*
 1711 § 5. If the *pursuer* *Associate* be *not* *Ready*, the *Ordinary*
 will *fore* out the *cause* to be *travell'd* *again* in the *Ordinary*
form, or at the *Desire* of the *Defender* *Compearance*, *grant* *pro-*
testation for *Not* *Justifying* *Act* of *Actis* 20 *November* 1711
 § 5. *Not* to be *Recalled* but upon *payment* to the *other* *party*
 of the *like* *sum* of *ten* *shillings* or *more* of the *Ordinary*
kind *fil*. Which *judicial* *Protestation* *properly* *so* *cal-*
led, may be *formed* in *any* *step* of the *process* upon the *pur-*
suer *not* *Justifying*. The *Defender* *get* *his* *Expenses* *as* *pro-*
testation *Money* upon the *Admitting* of *such* *protestations*
Against the *pursuer* *Stat* *Ab. 4* *Tit* *36* *§ 2*. But the *best*
 way for the *Defender* is to *keep* a *summons* to *Justify*
Against the *pursuer* with *Verification*, if he *do* *not*, he
 shall *never* be *heard* *thereafter*.

After both parties *Compearance*, the *Advocate* for the
pursuer *Reports* his *libel*, and the *Defender's* *Advocate*
proposes his *Dilatory* *Defences*; and of *those* *such* a *sort*
Declinatory first, if he *any* *has*. If a *personal* *Declinator*
Against the *Ordinary* be *sustained*, or if the *Declinator*
him self as it *generally* *done* when there is *good* *Reason* to be
except *against* him; the *next* *Ordinary* in *course* for the
Outer *Court* is *called* forth to *hear* and *Determine* that
particular *cause*, *Act* of *Actis* 14 *December* 1689 who *after*
 it is *over* *be* *turn'd* to the *Inner* *Court*. All *Dilatory*
Defences for *preventing* *unnecessary* *delays* in *process*
 shall be *proposed* at *one* *time* *Act* of *Actis* 20 *November*
 1711