

Iniquity is an ordinary reason of suspension of Decrets of Inferior Courts: but it is not allowed to be proposed against Decrets of the higher for the reason hereafter to be given ^{See infra pag. 1933.} But the Lord allows their own Decret to be quarrelled upon ^{Malicious} or Informalities.

When both parties appear in the suspension of a Charge for protestation Money, if it be lying Configned in the hands of the Clerk of the Bill; the Advocate for the Charges Repents his Charge, and Craves from the Lord ordinary a Warrant or order to the Clerk of the Bill to Deliver up the Money to the Charges. This is accordingly granted, unless what he Demands exceeds the suspension Reason of suspending the protestation he sustained. And the protestations of the Bill or their Deputies are void & voided. Under the penalty of five pound Sterling to be quodred at their performance, to give up all protestation Money Configned in their hands, without any fees to the party for coming upon sight of the Extracted protestation, or Decret for giving the Letters orderly proceeded, & except of the party a Discharge expressly proceeding and date thereof, without necessity to Leave the Lord's warrant, Act of Teod. January 1709. ^{1709.} The Advocate for the Charges Repents his Charge in the principal Cause formerly suspended wherein protestation was granted for not producing the suspension Reason. Craves the Letters may be found orderly proceeded. Which with the suspension being considered by the ordinary, sentence is pronounced.

At the falling of a suspension of a Decret of Exhibition, the Charges Craves a Warrant for transmitting to the Clerk of the Peace the writs lying Configned in the Bill of Chamber; and then proceeds to Repeat his Charge and Craves the Letters to be found orderly proceeded for payment of the Expenses of plea contained in the Decret which the ordinary doth Modify, unless the suspensor doth purge his Continuity. The suspensor Repents his Reason for suspending of the Exhibition; so that he is ready to Depone, that he has no Writs belonging to the Charge; or that at passing the Bill of suspension he Exhibited all he has. In which case the ordinary either assigns a short day to the suspensor or to Depone; or find the Letters orderly proceeded, and Decrets accordingly to a Certain day, Natural and which the suspensor

is allowed to Depone and Exhibit in Common forms.

There are two kinds of Decrets of Suspension, viz. Conditional and absolute Decrets. The former is used for Distinction these the ^{two} Plain (Ab. 4. pt. 56. 516. And there are two kinds of Decrets) Calls Decrets on suspension; and the latter Decrets of suspension; the commonly both pass under the Name of Decrets of suspension.

A Decret Conditional is, when the Letters are found orderly proceeded. Which is done either Simpliter; or with a Limitation, as when the Lord find the Letters orderly proceeded in part, and suspend them for the Rest; or Orderly proceeded Conditionally, that is, if some thing be performed by the Charges.

A Decret Absolute is, when the Letters are suspended either simply that is absolutely and for ever; or Conditionally, that is, if some thing be done by the suspensor.

When the Letters are found orderly proceeded Simpliter, and it appears, that the Reasons of suspension have been taken; the Charges offer a Bill to the Lord in preference, Craving his Expressed Consent to the Account raised given in with the petition upon assuming whereof the Lord either Confirms the Account and Decret; or Confirms without Alterment; or Modify the same; or Remit the Compensation of it to the ordinary in the Cause; to Modify Expenses. And generally the Lord tax wage Expenses to persons wronged by the uninnocent Allegations, Act of Teod. 20 November 1710. By the Civil Law, expenses of plea might not be Exceed the principal sum justly pay, but in the English Jurisdiction. But the Lord of Justice do not suffer it themselves intaxing the costs of party, the necessity of Expenses being the only Right Rule in such cases. ^{McKenzie's Affairs.} An Act of Parl. 7. 11. The Lord ought at the Decision of each cause to find some in or a Solve from Expenses, and the Expenses are to be supported in the Decret. Act of Parl. 2. 11. Suspension of Ministers depend on the Bents and debts of Ministers, Colleges, Schools, or Hospitals against whom the Letters are found orderly proceeded, should be Decreed in a fifth part more at least than the sum Charged for, for Expenses. ^{2d. Jam. 1. 1703.} Act of Parl. 5. June Act 14. Feb. 6. Parl. 2. 11. The same shall as to Reclaiming Bills and Extracting of the Decret, are offered in suspensions, as in ordinary Actions.

A Decret finding the Letters orderly proceeded simply being Extracted, having and other Diligence formerly Rated, may be subject to further Execution, as if the same had never been suspended, provided the former Charge was