

SECT. III.

Whether Reasons of Suspension must be instantly verified?

1609. *November 29.* JARDINE *against* GORDON.

No. 24.

Payment being proponed as a reason of suspension, the letters were found orderly proceeded, because it was not instantly verified at calling the cause, although it was offered to be proved by the charger's oath, he not being present.

Jardine charged John Gordon of Newton, to make payment to him of £.27. He suspended upon payment. At the discussing of the suspension, it was alleged, that the letters should be found orderly proceeded, because the reason was not verified. The suspender answered, that he referred it to the parties oath. It was answered, That he could not be delayed upon that allegiance, because it was not referred to his oath by the summons, nor he warned to that effect; and it were no reason to delay him now, and for so mean a matter draw him to this Town. In respect whereof, the Lords found the letters orderly proceeded.

Fol. Dic. v. 2. p. 415. Haddington MS. No. 1663.

1610. *June 1.* WRIGHT *against* _____.

No. 25.

A decret being recovered, and thereafter both suspended and put under reduction upon the self same reasons, albeit the reasons seem probable, yet if they may not be instantly verified, but may take long delay in the probation, the letters will be found orderly proceeded, he who obtains the decret finding caution to refund the same, *cum omni causa*, if his adversary prevail in the reduction.

Fol. Dic. v. 2. p. 415. Haddington MS. No. 1875.

1628. *February 6.* HANNAY *against* RUTHERFORD.

No. 26.

In a summary charge against possessors to remove at the instance of a minister, who had the ground designed to him for a glebe, the defenders, suspending, were allowed terms to prove, and not bound to verify *instanter*, as in ordinary suspensions.

Fol. Dic. v. 2. p. 416. Spottiswood.

* * * This case is No. 7. p. 14989. *voce* SUMMARY DILIGENCE.