

No. 6. 1530. *January 15.* BRUCE *against* WARDLAW.

In a suspension of double-pounding raised by persons subject in payment to the party found to have best right, if the said suspension be called, and the process seen, the suspenders may not pass from the suspension, or discharge the party to compare for them, till the matter be discussed betwixt the parties called.

Auchinleck MS. p. 226.

* * Durie's report of this case is No. 2. p. 9127. *voce* MULTIPLE-POINDING.

No. 7. 1630. *January 21.* STRACHAN *against* CRAIGIEWAR.

A charge for fulfilling the hail heads of a contract being suspended, the charger declaring, that the charge is only for the fulfilling of a head or clause in the contract, and the letters being found simply suspended for that clause, the charge must be used of new, and that the charger cannot be heard to make a new declaration of the first charge for fulfilling of another clause contained in the contract.

Auchinleck MS. p. 227.

No. 8.
Effect of sus-
pension.

1630. *February 19.* HAY of TOURLANDS *against* LAIRD of AUCHNOMUS.

The Laird of Auchnomus being denounced to the horn, at his goodsire's instance, for not fulfilling of a decreet-arbitral decerning his oye to content and pay to him a chalder of victual of the crop 1615 and in time coming during his life-time, he suspends. The suspension lies undiscussed, because the oye makes payment of the victual for that year. Thereafter, the goodsire charges the oye for the crop 1616, and denounces him to the horn, and this horning is produced by James Hay of Tourlands against Auchnomus, to debar him *ab agendo* in an action pursued by Tourlands against Auchnomus. It is alleged, that this horning produced is null, because the same being for not fulfilling of the decreet-arbitral, and once suspended, could never be executed against him till the first suspension were discussed; which reason the Lords found relevant to make the alleged rebel stand in judgment, without prejudice to the user of the horning to pursue, or any other thing following thereupon.

1633. *February 8.*—The Laird of Auchnomus being charged by his father for fulfilling of a decreet-arbitral, *in anno* 1616, and specially for payment of certain duties which, by the said decreet-arbitral, he was ordained to pay to his father, during his life-time, yearly, the son suspends, which lies over to be discussed; but, in the mean time, the son makes payment to the father for the year 1616,