

right posterior, he might withdraw, and then vex men with new processes; but the plurality found it a decret *in foro*. Yet it could not be accounted a decret *in foro contradictorio*, no defence being proponed, as the act of regulation 1672 requires.

No 339.

*Fol. Dic. v. 2 p. 205. Fountainhall, v. 1. p. 540.*

1701. December 17.

The CHIRURGEONS and APOTHECARIES of GLASGOW against ANDREW REID Chirurgeon there.

KING JAMES VI. by his gift in 1599, erects the Chirurgeons of Glasgow into a corporation or faculty, with sundry privileges, and particularly to visit all drugs, to examine and try entrants, and, if qualified, to admit them, and to fine any contumacious practisers of medicine or pharmacy. By an act of this fraternity it is declared, no man shall be admitted, unless he have either served his apprenticeship with a freeman-master, or else have married a freeman's daughter. Andrew Reid having come from Ireland, and set up at Glasgow, they fine him in L. 120 for three several contraventions and encroachments: He suspends, and at calling, his advocate produces his suspension, but the chargers do not then insist; whereon he gives in a bill to the Lords, representing, that the chargers drew back, therefore craved the Lords would authorise him *medio tempore* during the dependance to exerce his employment; which bill the LORDS refusing, the decret of suspension was extracted; and he being of new charged thereon, suspends again; at the discussing whereof, it was *alleged* for the chargers, that it was a decret *in foro contradictorio*, and so he could not be reponed to his reasons, viz. that he was willing to undergo a trial, and, if insufficient, to be rejected. *Answered*, There was no defence nor debate made for him in all the decret, and so it could not be called *in foro*. *Replied*, His advocate compares, and produces the suspension; *2do*, He gives in a bill to the Lords. *Duplicated*, That by the act of regulations ratified in Parliament 1672, no decret is to be reputed *in foro*, but where comparance is made for the party, and defences proponed; but here there is no sort of defence proponed, but allenary the suspension produced, without saying any thing, and a bill given in, not dipping *in causa*, but only craving liberty to practise in the mean time. The LORDS found this was not a decret *in foro*, and therefore reponed him.

No 340.  
A decret of suspension was not found to be *in foro*, tho' there was appearance for the suspender and the suspension produced, but no debate, and tho' the suspender craved something to be done, not dipping in the cause.

*Fol. Dic. v. 2. p. 205. Fountainhall, v. 2. p. 129.*