

SUSPENSION.

SECT. I.

Effect of Suspension.

1583. *June.* BROOMFIELD *against* HATELY.

IN the action betwixt the Broomfields and the Hatelys, the one of the parties being put to the horn, it was alleged, by suspension, That the horning was not lawfully executed, because, before the time of the denunciation of the same, the letters were suspended, and so the question fell forth, If the horning was taken away, and the strength of the letters, immediately after the granting of the suspension, or not, until the time the same was intimated to the party, and if the party might *interim* use the letters of horning? It was alleged, That there was a practick passed betwixt the Commendator of Cambuskenneth and the Lord Fleming, where the said Commendator reduced a horning passed at the Lord Fleming's instance against him, because the letters were suspended before the time of the denunciation. The Lords, therefore, conform to the said practick passed before, decerned the said letters of horning, and the execution that followed thereupon, to be of no force or effect, conform to the said practick.

Fol. Dic. v. 2. p. 414. Colvil MS. p. 370.

No. 1.
A horning, and execution thereof reduced, because denunciation had followed after the letters were suspended.

1626. *March 31.* GEMMIL *against* BAILIES of GLASGOW.

In an action betwixt Gemmil and Wallace against the Bailies of Glasgow, for payment of a sum addebted to the pursuer by his debtor, who, for not payment, was committed to their tolbooth in ward, and was thereafter put to liberty by them; it was excepted for the Bailies, that they did no wrong to put the debtor to liberty, because, before he was suffered by them to go to liberty, he had sus-

No. 2.
Suspension found not to be sufficient authority for magistratesto set a debtor at liberty.