

the execution bore only, that the messenger left a copy at the market-cross of the head burgh of the jurisdiction where the lands lie, that none might pretend ignorance; and mentioned not that a copy was both affixed and left.

Fol. Dic. v. 1. p. 265. Forbes, MS. p. 17.

No 110.

1726. *January 11.* M'DONALD of Bornaskittag *against* M'LEOD of Hammer.

No 111.

A DEFENDER insisting in a no-process, because the copy signed and delivered to him by the messenger was disconform to the summons, it was *answered*, that the execution must bear faith, mentioning the delivery of a just copy, until it be improved; nor is the truth of the execution redargued by the lame copy produced, which may have been made up *ex post facto* in concert with the messenger, in order to cast the process.—THE LORDS repelled the objection. *See APPENDIX.*

Fol. Dic. v. 1. p. 266.

S E C T. V.

Three blasts of the Horn.

1611. *January 19.* SIR R. HEPBURN *against* L. of NIDRIE.

No 112.

A HORNING bearing that the rebel was denounced by open proclamation, and put to the horn, the horning was sustained, albeit it neither bore that he lawfully denounced him rebel, nor of any blasts of the horn.

Fol. Dic. v. 1. p. 266. Haddington, MS. No 2102.

1624. *March 4.* DRYSDALE *against* L. SORNBEG.

No 113.

IN an action betwixt Drysdale *contra* L. Sornbeg and L. Langtoun, a horning being produced by Sornbeg, and quarrelled by Drysdale, alleging the same to be null, because, in the denunciation, the messenger, executor thereof, had not indorsed, and the execution did not bear, that the messenger had used and given three blasts of the horn at the denouncing of the party; which deed, as it was a solemnity necessary to the denunciation, so was necessary in formality,

A denunciation was sustained altho' it made no mention of the three blasts of the horn, but only that the messenger lawfully denounced.