

ing used against Carse as out of the country, at the market-cross of Edinburgh, and pier and shore of Leith, and did not mention the three oyesses, which is required by the decision, Gordon against Forbes, No 116. p. 3768.: *answered*, Solemnities have been multiplied by over-cautious creditors, where no law required them, and so can be no rule to others; and the Lord Register being ordained, in the case cited, to try the custom as to the oyesses in arrestments, it was found to vary; and though an act of sederunt was intended then to regulate for the future, yet it was not done, so it has not yet come to any fixed custom; and therefore must be determined on the old grounds till it be otherwise appointed. THE LORDS sustained the arrestment, though wanting the intimation of the oyesses.

Fol. Dic. v. 1. p. 266. Fountainball, v. 2, p. 23.

No 117.
of Leith,
which did not
mention the
three oyesses,
was sustained,
notwithstanding
of the
above deci-
sion.

1705. December 20.

SCRIMZEOUR *against* BEATON.

EXECUTION of apprising sustained, though it bore not three oyesses, but only several oyesses.

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

No 118.

*** See this case, Div. 4, Sec. 4, *b. t.* No 103. p. 3758.

1706. February 14.

EARL of LEVEN *against* DURHAM of Largo, and NICOLSON of Trabrown.

AN inhibition was sustained, though the execution at the market-cross bore only *three oyesses, open and public reading*, and wanted the words *open proclamation*; in respect it was alleged that three oyesses, and public reading, import open proclamation, and, after trial, the stile of many inhibitions were found to run in the same tenor.

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

No 119.

*** See this case, Div. 4, Sec. 1, *b. t.* No 81. p. 3743.

1715. February 22.

CAPTAIN PRESTON *against* SIR JOHN CLERK.

CAPTAIN PRESTON pursues a reduction of the right of patronage of the church of Laswade *ex capite inhibitionis*, against Sir John Clerk's author.

It was *alleged* for Sir John; The inhibition was null and reducible; because the inhibition which was executed against the party out of the country, did not bear three oyesses, nor public reading of the letters at the pier and shore of

No 120.
An inhibition
against a per-
son out of the
country was
found null,
because the
execution at
the pier and
shore of Leith