

No 107. 1710. *December 20.* BAILLIE *against* CUNINGHAM.

AN objection against an apprising, that the execution did not bear a copy to have been affixed to the market-cross, but only that a copy was left there, was found relevant to keep the legal open, and restrict the apprising to the principal sum and annualrents.

Fol. Dic. v. 1. p. 265. Forbes.

* * See This case No 5. p. 173.

No 108. 1711. *November 30.*
The LADY SEMPLE *against* The LORD SEMPLE and his TENANTS.

IN the process of general and special declarator of single and liferent-escheat, at my Lady Semple's instance, against my Lord Semple and his tenants, the LORDS repelled this objection made against the denunciation whereupon the escheat fell, that it did not bear that a copy was affixed and left upon the market-cross, and sustained the denunciation notwithstanding that omission.

Fol. Dic. v. 1. p. 265. Forbes, p. 551.

No 109. 1712. *June 19.*
DR JAMES GARDEN *against* MR DAVID ANDERSON, Professor of Divinity.

IN the reduction at the instance of Dr Garden against Mr David Anderson and others, for reducing Mr David's right to the office of professor of theology in the King's College of Aberdeen, the LORDS repelled this dilatory defence against the executions, that they did not bear copies to have been left at the most patent doors of the defender's dwelling-places; but only that copies were left at the doors of their dwelling-places simply, without the addition of most patent.

Fol. Dic. v. 1. p. 264. Forbes, p. 600.

No 110. 1714. *January 26.*
The CREDITORS of PATRICK DUNBAR of Sidera *against* ROBERT MURRAY of Pulrossie.

IN a competition betwixt Robert Murray of Pulrossie, and the Creditors of Sidera, the LORDS sustained an inhibition at the instance of Pulrossie, albeit

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.