

S E C T. II.

Designation of the Dwelling-place.

No 85.

Execution at the dwelling-place ought to name the place, otherwise it is null.

1582. July.

KING'S ADVOCATE *against* BURNET.

THE King's Advocate persewit one Burnet for the breaking of ane arrestment. It was *alleged*, That the execution of the arrestment buir, that there was execution of the arrestment made at the dwelling-place of him whose gear was arrested, and condescendit not into special on the name of the dwelling-place, or what part the same was into; for, be this manner of execution, and indorsation, the party's defences were taken fra him; whilk allegiance was admittit be the LORDS, and fand that the said execution was not guid.

Fol. Dic. v. 1. p. 263. Colvil, MS. p. 337.

No 86.

Found as above.

1609. February.

JOHNSTON *against* JOHNSTON.

CHARGES of horning executed at ane man's dwelling-place, not designing expressly where the dwelling-place is, fund to be null be interlocutor.

Fol. Dic. v. 1. p. 263. Haddington, MS. No 1584.

1626. July 14.

ADAM *against* BAILLIES of AYR.

No 87.

The execution of a horning, bearing to be against the party, bur-gess of Ayr, at his dwell-house, but not adding the word

ONE Adam pursues the Baillies of Ayr, for payment of the debt, for the which his debtor, being rebel, was incarcerated, and thereafter they suffered him to go to liberty. The Baillies compearing, *alleged*, The horning whereupon caption was executed, was null; because the charge given to the party, whereupon he was denounced, was not lawful, seeing the same bore to be executed at his dwelling-place, and made no special mention nor designation of his dwell-