

No 37.
 ther he nor
 they dwelt in
 the jurisdic-
 tion where
 the lands lay.

cross of the head burgh of the regality, or the stewartry, within the which the lands lay, which were desired to be poinded ; so that the citation of the minor, and of his tutors and curators, generally used at the market-cross of the head burgh of the Sheriffdom within the which the minor dwelt, was sustained, seeing the minor dwelt not then within the regality. See No 41. p. 3709.

Act. Lermonth.

Alt. Aiton.

Fol. Dic. v. 1. p. 260. Durie, p. 181.

1675. February 5.

A. against B.

No 38.

THE LORDS found, That a warrant could not be given to cite at the market cross, with certification *pro confesso* ; seeing no person could be holden as confest who was not personally apprehended.

Clerk, Hay.

Dirleton, No 243. p. 117.

1697. July 7.

COCKBURN against ROBERTSON.

No 39.
 A facile per-
 son being
 carried out
 of the way,
 to prevent
 personal ci-
 tation, edic-
 tal citation
 was admitted
 in a process
 of interdic-
 tion.

THERE is a bill given in by Mr Hary Cockburn, late Provost of Haddington, and others, representing that William Cockburn his son, is a youth within two or three months of majority, and of that facility and prodigality, that, for a little present money, he is ready to renounce his interest in a large succession he falls to Provost Sleich in Haddington, his grandfather, and has been often imposed upon by Mr John Robertson, who has married the other heir portioner, to grant disclamations of the processes intended by him for recovery of his just rights ; and now they have spirited him away, so it is not known where he is, and will cause him abscond till his minority expire, and then take a disposition from him to all, for some small thing ; and therefore craved, seeing they were to execute a summons against him, to get him interdicted *causa cognita*, and knew not where to cite him ; that the Lords would allow the same to be done at his master's house, where he was bound apprentice in Edinburgh, and at the market cross of Haddington, where his lands lie.—THE LORDS, considering this to be an extraordinary case, and some documents of his levity being produced, they allowed an edictal citation ; as also appointed Mr John Robertson to be cited, and referred to the Ordinary on the bills to try the matter of fact. THE LORDS have several times *ex proprio motu* interdicted lavish persons ; whereof we have an eminent instance. 17th February 1681, Robertson *contra* Gray ; *voce* INTERDICTION ; and by the Roman law, Prætors gave curators to prodigals,