

S E C T. VII.

Six Knocks.

1589. December. MENZIES against —.

THERE were letters of horning produced to debar ane *ab agendo* at the instance of ane Menzies. It was *alleged* against the first and three executions of the horning, That they were null in themselves, because there was mention made in the summons of the said — at his dwelling house, because he could not be apprehendit personallie, and of the affixing of ane copy upon the yett, and because it was not contained in the executions that the officer had knocked at the yett six tymes, according to the act of Parliament James V. Parl. 6th, c. 75th, 'Anent the summoning of persons,' therefore the said executions were null in themselves.

Fol. Dic. v. 1. p. 267. Colvil, MS. p. 446.

No 121.
An execution of horning was reduced, because it mentioned not the six knocks.

1679. December 11. CASSILLIS against ROXBURGH.

IN an execution of arrestment, found no necessity of knocks where the doors were patent.

Fol. Dic. v. 1. p. 267. Stair.

No 122.

* * * See This case, No 19. p. 3695.

1680. July 29.

HAY against The LAIRD of Pourie and the LADY BALLEGERNO.

JOHN HAY of Murie, as donatar to the recognition of the lands of Murie, pursues declarator upon alienations of the major part, made by — Lindsays, heirs for the time.—It was *alleged* for the Laird of Pourie, and the Lady Ballegerno, who now have right, That there was inhibition used before these deeds of alienation, whereupon there is reduction of the Lindsays' rights *ex capite inhibitionis*, so that after they were inhibited, as no disposition granted by them, or debt contracted by them, could hinder inhibition to take effect, so neither can these alienations infer recognition, in prejudice of the inhibition; but if thereby the Lindsays' right could be reduced, the donatar's recognition would fall in consequence, being founded upon their alienations; and if after inhibition, those who acquire unwarrantable and invalid rights, might, by their alienation of the

No 123.
An inhibition found null, because the executions were at the dwelling-house, and a copy affixed, but did not bear six knocks at the door.