

No 89. that it was never quarrelled till now, though three gifts have been expedite upon the same horning, and former donatars obtained full satisfaction and payment.

Replied ; As to the practise 1632, Fergushill being both the rebel's style and the name of his house, the execution bearing that he was charged there, was sustained, as being a compendious designation of both.

Duplied ; Castlemain's house went commonly under the name of that same title ; and so the defenders are in the precise terms of the practise 1632.

THE LORDS, waving the other points of debate, ' Found the duply relevant to sustain the execution, and assoilzied from the reduction.'

Harcarse, (HORNING.) No 515. p. 143.

1693. February 21.

GULMAN *against* WATSON.

No 90.
Found in conformity with
No 85. p.
3748.

THE LORDS assoilzied from the process of declarator of the escheat, and found the horning null, because it did not design the rebel's dwelling-house, whereby the mean of probation is cut off, albeit it designed her relict of Gulman in Monachie, and so her dwelling-house was to be presumed to be there. Durie observes the like, 14th July 1626, Adam, No 87. p. 3748., where a horning was found null for not designing the dwelling-house, though it called him burges of Ayr, and so he might be supposed to dwell in Ayr ; yet he might be an honorary burges : And, in an execution of a summons, a defender being designed by his style, it was found to supply the name of his house, because the Lords presumed he dwelt there.

Fol. Dic. v. 1. p. 263. Fountainball. v. 1. p. 563

S E C T. III.

Whether the Execution must bear the date of the Letters.

No 91.

1595. June 3.

L. of ARNCAPELL *against* L. of KILCREUCH.

A horning was executed against several debtors on different days. The execution was sustained, tho' it

THE Laird of Arncapell pursued the Laird of Kilcreuch for contravention of an act of Lawburrows. Kilcreuch offered to compear. Arncapell debarred him by horning. It was *alleged* by Kilcreuch, That the horning was null, because that upon the 20th, 21st, and 22d days of ———— respective he had charged such and such persons to underly the law within six days, which execution was