

more recent date, Forbes, 22d December 1710, Baillie against Menzies, No 32. p. 3704.; Fac. Col. 17th July 1752, Clerk against Waddel, Div. 7. b. t.

No 35.

THE LORD ORDINARY repelled the objection ;

But on advising a reclaiming petition, answers, replies, and duplies, the COURT unanimously, ' in respect the execution of the arrestment was informal, sustained the objection to the interest produced for Lancaster and Jamieson.'

Lord Ordinary, *Stonefield.*

For the Objectors, *Lord Advocate Dundas, J. W. Murray.*

Alt. Maconochie, Fletcher.

Clerk, Pringle.

R. D.

Fol. Dic. v. 3. p. 188. Fac. Col. No 148. p. 339.

SECT. III.

Edictal Citation.

1491. *February 22.*

PATRICK HOME of Fastcastle *against* PERONELL LIBBERTON.

QUHEN ony persoun needs to be summoundit, he aucht to be summoundit first personallie, or at his dwelling place, gif he ony hes, conform to the act of Parliament. And gif he be a vagabond, havand na certane domicile, nor zit be apprehendit personallie, it is sufficient to summound him be opin proclamatioun at the heid burgh of the schire quhair he maist commonlie hauntit and usit, befoir the time of the executioun of the saidis summoundis.

Fol. Dic. v. 1. p. 260. Balfour, (SUMMONS) No 41. p. 312.

No 36.

A vagabond may be summoned at the market cross of the head burgh of any shire, where he most commonly haunted, before the execution of the summons.

1625. *July 26.*

L. RANKILOR *against* L. AITON.

IN an action of poinding of the ground for an annualrent, pursued by the Laird of Rankilor against the Laird of Aiton, who was a minor, and was convened with his tutors and curators generally, who were summoned at the market-cross of the head burgh of the sheriffdom where the minor had his actual remaining and being, and at the which the minor's self was summoned, was sustained by the LORDS, and found it a sufficient citation of the minor's tutors and curators; neither was it found necessary, that the tutors and curators should be summoned at the head burgh of the Sheriffdom within the which themselves dwelt, nor that they or the minor himself should be summoned at the market-

No 37.

In citing a minor in a process of poinding the ground, it was found sufficient to cite his tutors and curators at the market cross of the head burgh of the shire where the minor dwelt, though nei-