

## H O R N I N G.

1583.

LAIRD OF BISHOPTON *against* —

No 1.

**T**HE Laird of Bishopton being denounced for not finding law-burrows, the horning was reduced at his instance, because the officer's execution bore not that the party seeker of the caution made faith to the officer, that he dreaded Bishopton bodily harm, according to the order prescribed in the act of Parliament, albeit the officer offered to prove by the witnesses inserted in his executions, that he had caused the party make faith.

*Spottiswood, p. 147.*

1590.

LAIRD OF WEDDERBURN.

No 2.

IN an action pursued by the Laird of Wedderburn anent the parsonage and teinds of Dunse, there was a horning cast in against him to repel him *ab agendo*. *Alleged*, That it was null, because it did not proceed upon letters of the Lords of Council and Session, but only upon a command given him by the king, subscribed by his Majesty, charging him not to intromit with the teinds of Dunse under the pain of rebellion; whereupon he disobeying was denounced. THE LORDS would not sustain it.

*Spottiswood, p. 149.*

1625. June 23.

VISCOUNT OF STORMONT *against* His VASSALS.

No 3.

A DECLARATOR being pursued at the Viscount of Stormont's instance, against one of his vassals, for the vassal's liferent of certain lands, holding of him; the LORDS found, that that summons should not abide continuation, neither was it necessary that the pursuer should prove, that the defender held the lands of the pursuer; but that it was sufficient to sustain the action, that the pursuer produced his own sasine, bearing him to be infeft in the lands specially, where-

Horning found null, where the warrant of charge wanted a consent requisite to give it authority.