

No 17. thereby might be prevented; and, upon that account, it being recommended to the Council, by act of Parliament, that they should see the laws against conventicles put effectually in execution; the Council, as they might convene the contraveners before themselves, may commissionate the inferior courts to proceed as their delegates; and upon their decreets given by them as delegates, that they may direct letters of horning.

Reporter, *Treasurer-depute.*

Dirleton, No 406. p. 200.

No 18. 1683. *March.* ARCHIBALD KER *against* Bailie RIDDEL.

IN the reduction of a horning upon this reason, That although the letters had been suspended as to a part of the charge, and found orderly proceeded for the remainder, yet the charger, after extracting of the decret of suspension, denounced the suspender without giving him a new restricted charge,

Answered; There was no necessity of a new charge for the decerniture, the letters, and charge to be put to farther execution, which imports, that any preceding execution must stand.

THE LORDS repelled the reason of reduction, and assoilzied the defender from it.

Harcarse, (HORNING.) No 513. p. 143.

No 19. 1687. *July.* MADDER of Langton *against* Lord TARRAS.

FOUND that horning against a tacksman did not hinder the sub-tacksman to repeat defences, though the sub-tack was set after the denunciation.

Harcarse, (HORNING.) No 517. p. 144.

1707. *February 28.* GORDON of Daach *against* DUFF of Dipple.

No 20.
A horning,
not executed
at the head-
burgh of the
shire where
the party
dwelt, on
which no di-
ligence was
done to affect
the debtor's

GORDON of Daach insists in a reduction of a disposition of certain lands granted by his debtor to Duff of Dipple, in prejudice of his more timely diligence against the said debtor by horning and denunciation, whereby he had the benefit of the last clause of the act of Parl. 1621, cap. 18. which provides, 'That if dyvours, or their interposed trustees, shall make any voluntary payment or right to any person, in defraud of the lawful and more timely diligence of another creditor, having served inhibition, or used horning, or other lawful mean, duly to affect the dyvour's lands or goods, or price thereof, to his be-