

Which are Decrets in the Construction of Law. Vise supra part  
 2 Books Chap. 2 Tit. 6 and letters of horning are the King of such  
 Decrets. In short horning may be raised not only upon the Debtor  
 distressed by consent of party, or by Law as protested Bills of exchange  
 Act 20 Par. 6 Ch. 2. And Bills or tickets drawn upon or granted  
 by or to and in favour of the old Bank of Scotland and the Managers  
 or administrators thereof and protests the record of Parl. 17 July  
 1695 but also upon any such Registered writ or letter for payment  
 of Sums, performing of Deeds or other Cases which so ever should be  
 finding can be raised unless for Liquid Sums. And the Magistrates  
 and Council of a Burgh having granted them to be sold  
 to a certain person by act of their Council as is usually done  
 Lords upon a supplication from the Creditor granted letters  
 of horning upon the Decret 19 Feb. 1668 Lady Johnston ward  
 Governor of Edinburgh. But the Lords refused to grant summarizing  
 letters of horning to the possessors of bank Notes that are payable  
 to the bearer, upon their having being protested for not pay-  
 ment of them at the Bank office June 1728. Wallace and  
 others supplicants contra the bank of Scotland. because the  
 Act of Parliament appoints no such diligence to pass upon  
 bank Notes. The Reason why our Law allows horning upon  
 Bonds Bills or tickets payable by and to the Administrators  
 of the Bank to and by particular persons, and not upon bank  
 Notes payable to the bearer, is because when they deal as  
 as private persons by dealing in Exchange or Lending and bor-  
 rowing Money, and both the Debtor and Creditor is certain, they  
 should be liable to the same process as all such dealers. But  
 when they act in another Sphere, by issuing out Notes  
 which pass from hand to hand as specie and are not in the Name  
 of any certain Creditor, they are obnoxious to no such diligence  
 nor that a charge upon any Writing or obligation wanting  
 the Name of a certain Creditor is a thing unknown in our  
 Law, and as an obligation granted to them not containing  
 their Name inserted as Creditors, could not produce a burden upon  
 Charters in their favour; neither ought Notes payable to the  
 bearer issued forth by them, and writ of such execution against  
 them; since the Summarizing Diligence is to be reciprocal only  
 upon such obligations as could be granted both by them and

to them.  
 A Messenger executes the horning, by charging the party within  
 the Kingdom personally or at his dwelling place, to pay or perform within  
 15 days if the horning proceed on a Decret, Except a Decret of horning  
 or Decret of the Admiralty or a decree peremptory are privileged;  
 or upon the days, if upon a protested bill of exchange, or record of Memo-  
 rial or other writs, or upon a Decret of Registration, before the  
 horning is founded on a Registered writ. If the party to which the horning  
 is to be granted, do not appear, or if he change his residence, the messenger  
 must be given upon 15 days, unless the messenger is proceeding upon  
 an Admiralty Decret, in which case he is bound to proceed within 10  
 Act 13 Geo. 2 c. 6. Weir and Mearns v. Mearns and Mearns  
 as also upon the Act of Parliament 1600 Act 25 Par. 16. 16. 16. 16.  
 letters of horning issued against foreign countries beneath the Great  
 Decret, or other time than as is expressed in the Statute, which  
 is a statutory part of this Act, be given upon the day of the  
 Statute, and not upon the day of the Statute, but because the Statute  
 sets forth that it is intended that the same shall be given upon the  
 day of the Statute, and not upon the day of the Statute, but because the Statute  
 by charge to appear at Edinburgh, or to appear in any other place  
 or to appear before the judge, or to appear before the judge, or to appear  
 to Charge of that kind, and do not intend that the Statute  
 Clauses of Registration containing to a Charge upon seven days  
 16 December 1661 L. Mearns contra Mearns 1661  
 L. Mearns contra L. Mearns. And the parties to the writ live  
 at such a distance, that it were impossible in time to come in  
 time to satisfy the Statute, which is 7 Feb. 1663 Stuart con-  
 tra Mearns. See also L. Mearns contra Mearns and L. Mearns  
 contra Mearns full conditions in obligations Act 140 Par. 12  
 16. For if both the parties live near together but a little beyond  
 Decret were no hard ships to charge upon Camp Stewart lib. 3. Tit.  
 3. 16. Mearns oblige on Act 25 Par. 16. 16. 16. 16. 16. 16. 16.  
 Act 138 Par. 19. J. 6 provides, that a parties consent in a contract  
 or obligation to a charge upon a shorter day than is possible  
 for him to give obedience to being at a great distance is full  
 and the offer ought to be charge de novo according to the custom  
 of the Realm. But I see not how this can be. Seeing a Charge  
 of Registration cannot warrant to charge upon more  
 days than those inserted in the Clause except the said Statute  
 be understood of a warrant to charge Mearns oblige  
 An.