

on d. Act 138. A charge of horning personally or at one's dwelling place may be given in the night time, 11 Feb. 1674. M Culloch contra Gordon. The Charging must be executed with uplan. A Charge of horning upon a bond for payment of principal sum penalty and annual rents resting unpaid in General Court, though Restricting it to much Annualment as was truly Resting, was sustained as a sufficient ground to absolve the Debtor from the Penalty. Albeit the Debtor is not ignorant when he charges he offers to pay Annualrents being Resting, and that the Chargee Refuse to accept thereof 27 Nov. 1708 Forbes contra Forbes.

After Charging of the cause of the Charge, the party may be his disobedience be Denounced Rebel, i.e. out Law, by three blasts of a horn, which gave occasion to the word horning. This Denunciation must be executed or served, at the Market Cross of the burgh of the Shire, Newburgh, or burgh where the Debtor is resident or hath a known house burgh. But if it be a burgh, and Denunciations are accustomed to be made at the Market Cross of the burgh of the Shire, it sufficeth to Denounce there 19. 1674. Murray contra Arnold 11 January 1677 Scot contra De Mahey 12 January 1672 Scot contra Doie. Where one hath his residence 40 days in a place while his ordinary residence is elsewhere, he must be denounced at his principal and ordinary residence, 20 Novemb. 1672. Peterson contra Hermour. Denunciation at Edinburgh against persons out of that shire shall be their obligations bear, that such an Execution shall suffice Act 138 Par. 12. P. 6. For that our Law supposes them not able to know of such a Denunciation and suffers not them to wrong them selves by their obligations and Impossibilities. Yet it would seem no less Reasonable, that where a person in the South trusteth money to one living in Zetland or in the Remote Isles, the Debtor should at the day of payment have his money ready, or one to answer for it at Edinburgh which is Communis Patria. As that the Debtor should be obliged for Debts perhaps very small, to send to the Remote and Dangerous parts to charge the Debtor personally or at his dwelling place. Seeing it is as Impossible for the Debtor to come timely to the knowledge of a Statute

At the Market Cross of Edinburgh and shire of Leith upon 60 days. As for a person in Zetland to hear of a charge at the Market Cross of Edinburgh. And yet the former is sustained upon a Presumption, that every English Man hath a prosecutor at Edinburgh. None may be Denounced upon General Letters unless they be specially called to hear and see such letters directed to them in special and certain Duties or facts of special prob. Act. 138. Par. 12. P. 6. Act. 138. Par. 12. P. 6. Denunciation at the Market Cross of Edinburgh against a person out of shire, and that such Denunciation shall not be valid unless upon a charge of Denunciation, nor shall it be valid from such charging 27 January 1674. Fair contra Fair. Charging Custom hath the same Execution as the other, whereby the party being present shall either be a witness or suspect. These customs are ancient and have been long in use. Act of Parliament for not Encouraging to wrong by the shire, the Denunciation may be made at the Market Cross of Edinburgh or at the Market Cross of Edinburgh. This is the ancient custom of the shire of Edinburgh. This is the ancient custom of the shire of Edinburgh. Act 138 Par. 12. P. 6. For that our Law supposes them not able to know of such a Denunciation and suffers not them to wrong them selves by their obligations and Impossibilities. Yet it would seem no less Reasonable, that where a person in the South trusteth money to one living in Zetland or in the Remote Isles, the Debtor should at the day of payment have his money ready, or one to answer for it at Edinburgh which is Communis Patria. As that the Debtor should be obliged for Debts perhaps very small, to send to the Remote and Dangerous parts to charge the Debtor personally or at his dwelling place. Seeing it is as Impossible for the Debtor to come timely to the knowledge of a Statute

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Persons out of Scotland must be charged upon 60 days. Act. 138. Par. 12. P. 6. And Denounced at the Market Cross of Edinburgh Peer and shire of Leith 4 July 1666 running home contra L. Robertson. No person can be Denounced upon a charge of horning after year and day from the time the charge was given, without a new charge. Act. 138. Par. 12. P. 6. Answer