

is Denounced to the Horn for not payment of a Debt, Annual rent of the sum Denounced for may be claimed till payment act 20th Par. 23rd J. 6. But Denunciation upon General Letters doth not Make Annual rent to be due upon the Account of the sum Denounced for Stair lib. 3rd § 13. 6th Letters of Caption may be raised against him. Yearly Denunciation at the Market Cross of Edinburgh the the party time not in that Manner Denunciation upon General Letters of Horn is by Custom a Warrant for Caption Stair lib. 4th § 1. 3rd § 1. But upon Precepts of the Chancery charging Chapens to Infeft the Vassals as heirs to their predecessors, No personal Execution follows but the Chapens is raised by and New precepts are granted against the Superior or Superior to supply his Vice Stair lib. 4th § 2. 5th § 1. Nor is out Lawry for a Civil cause a good Defence to any party that stay or Mutilate the person Denounced Act 3rd Par. 21st J. 6.

The Effect of Denunciation is taken off by Reduction by Letters of Recreacion under the Signet.

Hornings having so severe effects, the Lords do Reduce it upon the least Nulity by the omission of any Requisite in the Execution and Registration. Nay Hornings, tho' orderly in all its Steps of formality, is Null and Renounceable if the ground of Debt where upon it proceeds was satisfied or taken away before Denunciation tho' no Suspension of the Horning was then raised till Novemb. 1630 Douglas contra Ward Laird Stair lib. 3rd § 12. 1st Hornings for not finding Caution of Borrowers, was annulled by Exception where Caution had not duly found before Denunciation 29th Novemb. 1676 L. Ineito contra Heliel of Speirs. Hornings was Reduced, where the Charge had before Denunciation accepted a bond in satisfaction of the ground thereof, or the Charge was suspended tho' the reason of Suspension struck only against a part of the Charge. Anterior payment of a Debt may be proved scripto of the Denouncee, but not by the Creditor's oath or Holograph discharges which are presumed to lye to annull the Horning to the prejudice of a donatary of Escheal 10 Feb. 1663 Montgomery contra Montgomery & Lawder Stair lib. 3rd § 12. Hornings is not to be annulled upon any acquittances or Discharges bearing Date Anterior thereto.

thereto, unless the producer make faith and solemnly swear that the Discharges are true and of a true date Act 20th Par. 14th J. 6. Because Creditors being paid used to grant Antedated Discharges to Disappoint the Interest of the Debt. But it is thought that a Quaker's solemn affirmation would be received in this case. Instead of a formal Hall. A Superior having the duty ~~to~~ to be done in his Office for non payment of the pen duty of his lands received payment of the same paid from the Fiscal, without entering the Debt upon the Superior and his Donatary, only to take away the life rent Escheal from him in respect the Superior in entering that he had received the Fiscal to enter him secure, being deceitfully ought not to be advantageous to the Superior who had no prejudice since payment was made to him before the year year year and day at the Horn. But the Horning was sustained in as the King or any other party might have interest therein tho' it were Decemb. 1629 Kenaid contra Lawder. Reduction of a Deed the ground of Hornings, or Merit for matter, is the tolling of the Horning: Because the action charged is guilty of Contempt for not suspending Deed to tempore Act 20th Par. 14th J. 6. 10 Feb. 1663 Montgomery contra Montgomery and Lawder. Hornings against a person denounced for his Interest as Husband, is not, for the same Reason, annulled by Dissolution of the Marriage before any Declarator 23rd Decemb. 1673 Dalmechey contra Lord Alton. Nor is the effect of Hornings taken away by a previous Grant of Compensation, not actually applied either Judicially, or by Contract before Denunciation; and he having a principal Bond is sufficient Warrant for the registering it, charging and Denouncing thereon, tho' the Creditor be living abroad *codem die* Inter Godem. Hornings is proved to be annulled, that the single Escheal may fall in consequence, the officers of State must be cited for his Majesty's Interest, or if the Rebell dwell in a Regality, the Lord or Baillie of Regality. And if the Horning be sought to be Reduced, that the life rent Escheal might fall in consequence, the Superior or his Donatary must be called, whether the Superior be a Subject, or the Sovereign.