

are theirs, which they could not well do were the pouding
 under might; nor could the goods be apprized then. Wherocase,
 in the Execution of pouding or pouding no person is concerned
 but the party charged or attached, and the most proper time
 of apprehending such persons is under flight, being they shall
 in the day time. When an officer of law going to poud, is
 barred by the door being shut against him, the Executor, upon
 application to the Lords, and producing the Warrant of pouding
 with the officers Executions, bearing that receipt & demer, with
 letters of open doors for using the Kings Keys, that is to force
 the doors open. Without which the officer cannot proceed in
 pouding, Decemb. 1630 Dick contra Landis. If he hath with
 him letters of pouding, as well as a warrant to poud, he may
 under pretext of seeking the thebolt, make patent doors in
 the wall of the fastion, and then poud upon the other letters or the
 warrant for their effect. Here in our Law differs from the English
 Customs, where by every mans house is his sanctuary, and can
 not be entered without his warrant or permission. For in En
 gland one cannot break open gates or throw down any Inclosure
 to Distrain or take a Distress. He may enter a house if the
 doors are open otherwise not for the first inst. 61a.

Pouding is of three kinds, viz. personal, Real, and
 pouding in rem.

Act. 1
 of personal pouding.

Personal pouding is Distraint for personal Debt by
 virtue of letters of pouding, or pouding and pouding, raised
 upon a Decree of the Lords of Session, or by virtue of the Decree
 or precept of an Inferior Judge, or by virtue of letters of pouding
 directed by the Deliverance of the Lords upon Decree of In
 ferior Judges, as Sheriffs, Stewards and Bailies of Royalty
 or Regality, and Magistrates of Burghs act 29 Par. 1 of
 Ch. 2 Janet. act is Par. 18 J. 6. But not upon Decree of the
 admiral, for the Law (act 29) ordaining pouding to be
 poud forth on Decree of the Sheriffs &c. Mentions not Decree
 of the admiral. McSwirie observe on act 15 Par. 20 J. 6. Que
 If pouding may be Directed by Warrant of the Lords of Session

On Decrees of Commissaries 2

The Reason for the Necessity of raising letters of
 pouding upon Decrees of Inferior Judges by Warrant of the Lords
 of Session is, because if the party against whom such a Decree is
 procured should remove his goods and effects out of the Jurisdiction
 of the Judge who pronounced it; these goods and effects could not
 be pouded by virtue of the precept of the said Judge.

Letters of pouding that pass by Deliverance of the Lords of
 Session under the Signet must be executed by their own arms
 Stair lib. 4 tit. 47 § 33. But pouding upon Decree or precept of
 an Inferior Judge may be executed by the officers of Court Stair lib.
 § 31. The order and rules to be observed in this pouding are the
 same whether it is executed in the execution of the Court of Ses
 sion Stair lib. § 33. But there is a pouding for rents at all
 times and is to be used to recover the rents of the Kings and
 act 4 Par. 2 of Ch. 2. That men may not be pouded by writ
 or writ before they have a Decree recovered against them, or
 their bonds being registered. Which Law is not binding to the
 pouding of Decrees upon Decrees obtained against them by the
 heritors in their own Courts: which is usual in Scotland and
 requires no previous Charge, but the matters do at their own
 Gates or other accustomed places poud their tenants for
 their rents. Because there is no Warrant for raising letters
 of pouding or pouding, on Decree of Baron Courts: And no
 Baron or heritor can exercise his Jurisdiction without the
 limits of his own territory Stair lib. § 30 in. Teniers others
 on act 4 Par. 2 of Ch. 2. But to an heritor needs not to
 Charge his tenants before he poud, he must suffer the 15 days
 of Law to Elapse after Decree, that they may in the Interim
 satisfy or subpone before they find the bond of Ultimate Dilig
 gence Stair lib. § 29. Again pouding for fines may be execu
 ted without a previous Charge, which is the ordinary Practice
 of Inferior Courts, who even imprison till fines fulfilled by
 them be paid, as was Decided by the Lords of Justiciary 22 No
 vemb. 1714 Sir Robert Dunbar of Northfield and others.
 Labouring beasts in time of Labouring when there are other
 goods on the ground sufficient to pay the debt cannot be pouded
 act