Upon the orders of the Herald office & the Reversing of Arms after Sentence of Forfeiture belongs to the Lyon and his Brethren aforesaid. 3d. The Lyon and his Brethren the Heralds have power to give, and Difference Coats of Arms, Visit the Arms of Noblemen and Gentlemen, to Distinguish them with Differences, to Matriculate and Register them in their books: and to Inhibite such to bear Arms, as by the Law of Arms ought not to bear them, Under the pain of Theft and the Ring whereon the Arms are found, and of 100 pound to the Lyon and his Brethren or of Imprisonment during the Lyon pleasure Act 21 Parl 2 Sess. 3 Cha 2.

In the College of Heralds in England there are 3 Kings at Arms viz. Garter who is Principal & is to attend the Installment of Knights of the Garter, to carry the Garter to Foreign Princes & marshal the Solemnities of the coronation Funerals &c. of the Kings Queens and Nobility; Clarencieux who marshalls the Solemnities of Funerals of persons under the degree of peers on South side of the River Trent, and Norroy or Northern, who does the like for all on the north side of the said River. By the Union Treaty Art. 3 1854 Parl. R. of A. p. 24. the Rank and precedency of the Lyon King of Arms of Scotland being next to the Sovereign, is now the second King of Arms in Great Britain and takes place immediately after Garter. 2. Heralds are in the said College of Heralds & Pursuivants 7

Sect. 2.

The Duty and Function of Messengers.

Our Messengers are such as are termed in the Roman Law Apparitors, and by the Italian Doctors are called Berrovarij. The Badges of a Messenger are a Blazon and a Rod or Wand called the wand of peace, whereby his Authority is discovered in Discharging the Duty of his office: and the Affronter or Resisting him therein is a Crime called Deforcement. The Blazon is a piece of Brass or Silver Containing the King's Arms Ingraved thereon which the Messenger fixeth Upon his breast. In the execution of a Caption he toucheth the party to be taken with his Rod or Wand, which is Distinguishing from any other by its particular Shape and Improportion. Messengers have a Box Containing the Charitable Supply made or to be Made by them and their brethren for the help of Decayed Messengers, their Widows and Children and other such pious uses. Which the Lyon Overlees the right Employment of. The Messengers give up a Leet of Six of their Number to the Lyon out of which he Names two to be box Masters, or to keep their poors box 26 January 1631 Messengers contra the Lyon.

The Business of Messengers is, to Serve or Execute Summons & and Letters of Diligence Real or personal for Civil Debt. Yeard was found by the Lords of Justiciary, that a Messenger might warrantably execute Letters of Poinding raised at his own Instance for a Debt due to himself 6 March 1662 David Symson & Others. Sho Sir George Mckenzie Crim. part. 1 Git. 26

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84. Vers. Another Ordinary objection seems to be of a different Sentiment. What ever be as to this, it was never found but that a Messenger may pound or appraize for his Office fee due to himself for his pains. Summons & Letters are not served or Executed the same way against persons within Scotland, as against such as are for the Cheefe and abroad.

Summons or Letters are served against persons Within Scotland either in an Ordinary or Extraordinary Manner.

Summons or Letters are served against such in the Ordinary way or Common form of Law personally, or at their Dwelling place. If the party be Apprehended personally, the Messenger Must offer and give him (if he will accept of) a Copy of the Summons or Letters Subscribed by the Messenger Act 139 Parl. 12 J. 6. Which is a Necessary Solemnity 28 July 1671 Keith contra Johnstoun Haw Lib 9 Git. 38 & 15. A Copy of a summons is called a Libel Vide Supra pag 1627. And the Copy of a horning is termed a Charge. Which Copy contains all that the Messenger ought to observe in that part of his office. A Prudent Copy is Necessary that the party, who is often Ignorant of his own Business, may send his Copy to his Lawyers to answer for him or advise him what to do. If the party is not personally apprehended, the Messenger must pass to the most patent door of the principal dwelling house, where he Actually Resides, and there Brave ing Knocks, and in the house he ought to shew the Summons or Letters which are his warrand and offer a Copy to one of the Servants Act 75 Parl. 6 J. 5. or to the parties wife, or to one of his Children Stair lib 4 Git. 3 & 15. And if they Refuse, he must affix the Copy upon the Gate. Which shewing the Letters and offering a Copy Sir George Mckenzie Observations Acts 25 Sessions to be Diligence. But the Lord Stair (ibid) sets down both as formalities that we observance If the Messenger get no Entry, he must give six Knocks on the Gate d. Act 75. That it be upon a Copy might be given to the party or any of his family. Which Knocks must be audible, so as those within may