Giving Copies of Arrestment (3 feb. 1663 Oliphant contra Douglass of Dornock or charging with horning (Spots wood &c. Jur. Charge Stair lib. 3 Jur. 3 9 11 Executing poinding (Stair ibid. & lib. 4 Jur. 47 & 27) Charging a Magistrate to appoint Bail (Stair by letters of Caption (4 July 1628. Richal contra Sandland all Executiones of Messengers on the Sabbath day are Void and Null. Yea it was sustained Relevant by the Lords of Justiciary to Justify the Violent Deforcement of a Messenger with the Execution of a Caption, that the Resistance against him began on a Sunday's Night, a Time Upon his Entring the Rebells house on Sunday's Night, and proceeded & Continued about the house all that Night, and proceeded to Execute the Caption on Munday Morning 7 August 1678 James Monnorstoun of Carden & his Brothers. But the Messengers cannot be obliged to give obedience on the Sabbath day to Concur in the Execution of a Caption. Yet a Charge given him to Execute the Letters upon Sunday was sustained to Make him liable for the Debt for Not Execution the Rebel thereafter on a Lawfull day when in his Company within his Jurisdiction and when it was in his power to Commit him to prison (9 Novemb. 1682 Gillespie contra Douglass.

Letters of Horning (11 feb. 1674. Mc Culloch contra Gordon and Caption (Stuarts Answers to Dir. Col. Double 5 Jul. Caption may be Executed in the Night time. But provided must be used with Sup him (1 feb. 1628 Lady Haltoun Kadie & Grieves. And other Letters must be Executed on Market Professand at the peer of Leith at due time of day when people may observe it. The Messenger Must there first Make three Oyesses with an Audible Voice to Convocate the people, that all Concerned May take Notice and Look to their Interest. Vid. Supra pag. 197. Then he ought to Read the Simmons or Letters, and that being done, affix and leave a Copy on the place Appointed for Publication (15 feb. 1681 Gordon contra Forbes (11 July, 67 6 Mowinson contra Simmons and Letters are to be Served and Executed Conform to the Order therein Specifically and precisely; for Execution of an Inhibition Against the party personally Apprehended was Null, in Respect the Letters Contained only a Warrand to Charge him thereout of the Country at the peer and shore of Leith and at the Head

Head burgh of the Shire where his Lands lay (24 January, 1627 Erskin contra Lord Erskin. Because the Warrand to Execute personally could not have been Effectuate every where, & not being Sought or Given, the Messenger could not Execute in that Manner.

A Messenger having Served Summons or Letters gives in a paper to his Employer an Attestation of what he hath done in that Matter, called the Execution, which term we have borrowed from the French: for it is not pure Latine tho it seems to be founded on L. 2 ff. de Judic. This Attestation of the Messenger is also termed the Tudor Jation, because it Uses to be writ on the back of the Summons or Letters. It is called in England the Return. Executions of Messengers used formerly, for the more Verification thereof to be stamped with the Messengers seal, having thereon Engraved the first Letters of his Name and Surname, or some other Mark Universally known to be his Signet Act. 32 Parl. 5 J. 3 Act. 74 Parl. 6 J. 5. Because then few Messengers could Write. But now since Printing became More Common Stamping is no Longer Necessary. And for preventing false Hooding all Executions of Messengers are Null, Unless Subscribed by the Executer and Witnesses Act. 4 Sess. 2 Parl. J. 7. De Signed in the Body thereof Act. 5 Parl. 3 Ch. 2. For it is not Reasonable, that the Execution should Depend on the Memory of the Messenger and witnesses. All Executions of Summons must express the Names and Designations of the pursuer and Defender, otherways they are Null Act. 6 Parl. 2 Sess. 3 Ch. 2. But this is not Required in the Execution of Letters, as that of Letters of Intimation (16 feb. 1711 Forbes & his Factor contra Watson, Letters of Inhibition 8 July 1713 Baillie of Parbroth contra Nisbets, wherein tho in a proper part from the Letters is Sustained, albeit they do not Design the parties otherways than by a General Relation to the Letters Vid. Supra pag. 1632 Execution of a Summons giving a wrong Christen Name with a right Surname and Designation to the Defender was sustained the pursuer abiding by the Execution as truely given to such a Person (January, 1676 Dalgleish contra Duntreath because Constat de persona by the surname and Designation the the forename was a blank. Inhibition was sustained where the Names and Designations of the Witnesses in