

in the Execution were added only upon the Marginalia
 by the Mesenger albeit that the writ bore not, that the
 witnesses therein were also witnesses to the Marginal Note
 5 July 1710 Lord Gray contra Hope. In respect thereof a
 difference between witnesses to the subscription of writs, and
 witnesses to the Act of No Law, and Messengers, the former
 being witnesses only to the subscription of writs, and
 not obliged to know the tenor of the writ, or that the facts
 mentioned are performed accordingly. Where as the latter
 are properly witnesses to things required in law to be done by
 the Mesenger, of which their own Designation is no part, the
 Execution was sustained, albeit it mentioned not that the
 witnesses, but only that the Mesenger did sign the same,
 and it was so factually signed by the witnesses 10 July 1710
 for Eschem. Nor was an Execution found null for want of
 Delivery of a subscribed Copy to the party: because the law
 129 Parl. 12. S. O requires only, that Copies of Letters
 directed to parties be signed by the Executioner, and not that the
 Executioner should expressly bear that the Copy delivered
 was signed 8 July 1713 Bailie of Parbroth contra Nisbet.

A Mesenger's execution should bear expressly, I
 all the special solemnities required by law or Statute
 in the serving of Summons or Letters were performed, al-
 though it is null. For that such solemnities were observed
 not be proved by witnesses 4 Decemb. 1628 Toller contra
 Bailie 21 July 1676 Hovenon contra Finel, Stair lib. 3. p.
 838. 9. Thus Execution of an Inhibition was found null
 for that it bore three knocks only to have been given
 at the most patent door of the persons Conspicuous
 whom the letters were served, where the Executioner could
 not get Entry, where as Law requires six knocks to be
 given in such a case 24 June 1707 Gordon contra
 contra Duke of Devonshire. Again an Inhibition was
 found null for not bearing six knocks, albeit it bore five
 or six, and that the party was lawfully inhibited
 29 July 1619 Novemb. 1680 Hay contra Lady Ballgownie.
 But an Execution at the Market Cross was sustained,
 tho it bore not that the Mesenger both affixed and left
 a Copy at the Cross, but only that he affixed a Copy there
 because affixing implies leaving 21 July 1710 Lord Gray
 contra Hope 30 Novemb. 1711 Lady Temple contra
 Temple. But that a Copy was left at the Market Cross

without Mention of its having been affixed 26 January
 1718 Dunbar's Exec. dross contra Murray Pollock's Exec.
 was it held to be a Nullity in an Execution, that it did not
 bear, that there were two witnesses to the leaving of a Copy,
 but only to the affixing 6 July 1713 Bailie of Parbroth
 contra Nisbet. The Execution at the Market Cross bearing
 only three eyes, open and publick Reading, without the
 words open Proclamation, was sustained; because open
 and publick Reading implies open proclamation, and the
 Eyes implies that the thing was done with an audible
 Voice 14 Feb. 1706 Eschem contra Laird of Blair & Galgoun.
 Execution of Arrestment was sustained, tho it bore only,
 that the Mesenger left a Copy wanting the word Copy,
 that word being there after expressed in the Execution
 Relatively to it, as if it had been mentioned before
 20 July 1708 Forb'd contra Grants. The an Execution of
 having against one not personally apprehended, was sus-
 tained albeit it bore only, that the Mesenger left a Copy
 and that he wanted the word Copy: seeing the fore said
 words imported a Copy 23 Feb. 1709 E. Seafield contra Forb'd
 contra Forb'd. Execution of a summons was sustained, al-
 beit it did not bear a Copy to have been left at the most
 patent door of the Defendants Dwelling place, but only
 at the door of his dwelling place, without the Addition of most
 patent 19 June 1712 Doctor Gordon contra Anderson. Again
 Execution which did not mention in express terms some
 of the before said solemnities, as the Execution of Inhibition
 bearing Lawful Publication and Wanting three eyes 21
 June 1691 Lundie contra Grotter bearing Lawfully Inhibited
 and personally apprehended, without mentioning Delivery
 of a Copy to the party Inhibited, 16 Novemb. 1709 From the
 contra Robertson, have been sustained: In the 8th species after
 searching of the Registers, it was found, that many Execu-
 tions about that time had Run in the like Manner, and
 for the same Reason Execution of Inhibition upon a
 paper by an Act was not annulled upon this Reason, that
 the Inhibitor and person Inhibited were only therein Men-
 tioned by their Names, with the quality of the Writ, and
 signed, and the Liege Inhibited in Manner within Writ
 without specifying what they were Inhibited to do 14 Feb.
 1706 Eschem contra Laird of Blair and Galgoun's cause