No 14. proclaiming of it at the cross of the Canongate.——THE LORDS sustained the exception.

Spottiswood, (INHIBITION.) *p.* 175.

*** See Kerse and Durie's report of this case, *voce* EXECUTION, No 2. p. 3681.

1627. *July.* FARM *against* AYTON.

No 15. IN an action of reduction *ex capite inhibitionis*, pursued by the heirs-female of the Laird of Farme against the Laird of Ayton in Fife, the LORDS sustained the inhibition as lawful, albeit the same was executed at a market-cross within which the lands lay, year and day after the same had been personally executed, and at another market-cross, in respect the executions were all registrated within 40 days after the executions thereof *respective*.

Spottiswood, (INHIBITION.) *p.* 178.

No 16.
Inhibitions ought to be executed at the head burgh of the district within which the party resides.

1629. *January* 30. STEWART *against* OGILVY.

INHIBITIONS, interdictions, executions, and publications thereof, against persons dwelling within bailiaries, should be executed at the head burgh or town of the said bailiary, within which the said persons dwell, and registered in the said Bailie's and Stewart's books, and all executions that shall be otherwise executed are null, James VI. Parl. 15. cap. 268.; but because it requires to be proved that the persons dwelt within the said bailiary, this nullity is not used to be received against horning or inhibitions, by way of exception, but by reduction.

But this action being called again upon the 30th day of June, it was *alleged*, That the executions bore that the said inhibition was executed against the said Mr David Ogilvy, at his house at Pitmuir, and that they offered them to prove that the said house and land of Pitmuir lay within the regality of Kenmuir, whereby it was necessary that the said inhibition should have been executed at the cross of Kenmuir, within which the lands of Pitmuir lie. This exception was found relevant to be proved *prout de jure*; and the same being called again in the inner-house the 30th of January 1629, it was of new sustained by way of exception.

Auchinleck, MS. p. 108.

*** See Stewart against Ogilvy, No 66. p. 3728. *voce* EXECUTION.