

No 72. 1739. November 8. BAIRD against SEATON.

AN inhibition executed against the debtor at his lodgings in Edinburgh, and against the lieges at the market-cross of Aberdeen, within which jurisdiction the debtor's principal dwelling-house was situated, was found null; for without much reasoning on the point, whether it was habilely executed at Edinburgh, which the LORDS inclined to think it was, if the debtor had been forty days there, they were clear, that it ought also to have been executed against the lieges at the market-cross of Edinburgh; and that in no case is it regular to execute an inhibition personally at a debtor's dwelling-house within one jurisdiction, and against the lieges at the market-cross of another jurisdiction. See APPENDIX.

Fol. Dic. v. 1. p. 262.

DIVISION III.

Execution in the Night Time.

No 73. 1628. February 7. HALKERTON against KEDDIE.

THE Laird of Halkerton pursued Alexander Keddie and others for deforcing an officer whom he had sent to poind the said Alexander's goods. *Alleged*, That they having come before the rising of the sun, which was not a fit time to put any decret in execution, they might lawfully have rescued the goods poinded; which exception was found relevant.

Fol. Dic. v. 1. p. 263. Spottiswood, (DEFORCEMENT) p. 80.

* * * This case is reported by Durie, No 3. p. 3426.

No 74. 1674. February 11. M'CULLOCH against GORDON.

It was not found a nullity, that a charge of horning was given in the night time.

Fol. Dic. v. 1. p. 263. Stair.

* * * See This case No 29. p. 3701.