

any of the like cases, when it occurred, the LORDS inclined to sustain the horning without necessity of such probation, the execution bearing, that the officer lawfully denounced, seeing there was no law requiring that solemnity specially to be recorded in the execution.

No 114.

Act. *Hope.*

Alt. ———.

Clerk, *Gibson.**Fol. Dic. v. I. p. 266. Durie, p. 195.*

* * Kerse reports the same case :

FOUND the horning wanting three blasts is not absolute ———, where the witnesses are living, the LORDS will have the party prove that three blasts were used ; but, where they are dead, they will sustain the horning, except it be improven.

Kerse, MS. fol. 220.

* * Spottiswood reports the same case :

Lewis Somervél pursuing a declarator of the Laird of Edmiston's escheat, upon a horning execute at his instance, the same want of three touts was alleged against the horning, but the LORDS, as before, No 113. p. 3765. sustained it to be proven by witnesses.

Spottiswood, (HORNING) p. 147.

 S E C T. VI.

Public Reading and Oyesses.

1680. February 20.

GORDON against GRAY.

A HORNING was quarrelled as null, because it bore the oyesses, (which in strict grammar construction signifies no more but two) whereas the law required three oyesses. 'THE LORDS found it null for this defect.' *Vide* 14th July 1680, the same decision in the case of an interdiction. THE LORDS reduced an interdiction, because the publication did not bear three oyesses given.

No 115.

Fol. Dic. v. I. p. 266. Fountainball, v. I. p. 86 & 107.