

tion of such letters), instead of six, was a nullity of the execution, and thereupon reduced the inhibition. No 126.

*Fol. Dic. v. 1. p. 267. Fountainball, v. 2. p. 370.*

\* \* \* Forbes reports the same case :

IN a competition of the creditors of Westertown, the execution of an inhibition, used by Alexander Gordon of Auchintoul, against John Anderson, younger of Westertown, being quarrelled as null, for that it bore three knocks only to have been given at Westertown's dwelling-house ; and the act 75, Parliament 6, James V., requires six knocks, which not being a ceremony, but an essential requisite for certiorating of the lieges, cannot be dispensed with ; and, by constant custom, executions not bearing six knocks, are always reduced and found null.

\* *Answered* for Achintoul ; Albeit the said act 75. requires the giving of six knocks, it doth not declare executions otherways given to be null, but only inflicts a punishment upon the executor, and *casus omissus habetur pro omisso*. And lately, an execution not bearing that the copies delivered contained the date of the delivery, and the witnesses names and designations, as the act of Parliament prescribes, was yet sustained, in respect that the statute did not annul the execution wanting such a clause.

THE LORDS sustained the nullity.

*Forbes, p. 173.*

---



---

S E C T. VIII.

Stamp.

1610. November 22.

HOME *against* PRINGLE.

No 127.

IN an action pursued by Thomas Home, brother to Coldingknows, against James Pringle of Quhytbank, a horning was found null, because it wanted thir words, ' my signet is affixed.'

*Kerse, MS. fol. 217.*