

GENERAL LETTERS.

1624. November 16. TROUP *against* LO. HERRIES.

IN an action betwixt Troup and Lo. Herries, a horning was sustained, whereupon Troup sought declarator against the Lord Herries of his escheat, albeit the same was quarrelled as null, being only executed upon general letters, raised upon a prebendar's decret of general letters conform; which allegiance was repelled, and the horning found good, albeit the same proceeded upon general letters, and decret of letters conform generally, not bearing any special quantity, by reason that there was a special charge given to the party denounced, to pay a special and certain particular quantity, contained in a special execution of the general letters; in respect of the which special charge, the horning was found good, notwithstanding that the charger had no special warrant by his letters or decret, to charge the party for that special quantity; and notwithstanding of the act of Parliament, viz. 142d act, 12th Parl. *anno* 1592, which requires that there should be a warrant for a special charge, otherways allows not of horning; for the LORDS thought that the party charged for a special quantity, ought to suspend; otherways if he did not, the horning ought not to be found null.

Act. Nicolson.

Alt. Belsber.

Clerk, Scot.

Durie, p. 147.

1626. December 6. JAMIESON *against* TENANTS.

IN a suspension betwixt Mr William Jamieson and the Tenants of Longnewton, for suspending of the charges raised at the minister's instance, upon his decret of general letters conform, as provided to the right of the parsonage of that kirk, the LORDS sustained a declaration given in by the minister, containing the special quantity of the victual, for the which the suspenders

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No 1.

Horning on general letters sustained, a special charge having been given to the debtor.

No 2.

A minister having charged on general letters; his declaration as to the precise quantity of victual due