

It was *observed*, That hornings had frequently been granted on such decreets, but they had passed of course, and not *causa cognita*.

No 26.

“THE LORDS refused the bill.”

Reporter, *Drummore*.

Fol. Dic. v. 3. p. 275. Fac. Col. No 76. p. 115.

1756. *March 9.*

ARCHIBALD STEVENSON of Montgreenan, *against* WILLIAM BARCLAY Tenant in Woodgreen.

ARCHIBALD STEVENSON pursued William Barclay before the Justices of Peace, for having suffered five of his cattle to break into the pursuer's inclosure, and destroy some young trees. The Justices decerned against the defender for L. 25 Scots to be paid to the pursuer, and for the like sum to be paid to the clerk of court, in terms of the 39th act of Parliament 1685.

No 27.
A horning is not competent upon a decree pronounced by Justices of Peace.

Archibald Stevenson applied for a bill of horning upon the decret pronounced by the Justices. The Lord Ordinary doubted if a bill of horning was competent upon a decret pronounced by the Justices of peace; and therefore reported the case to the Lords.

“THE LORDS refused the bill.”

B.

Fol. Dic. v. 3. p. 275. Fac. Col. No 198. p. 296.

** Letters of four forms discharged, and letters of horning upon a simple charge substituted in their place by act of sederunt, 23d November 1613. See Spottiswood, (HORNING.) p. 149.

See EXECUTION.

GENERAL LETTERS.

INDUCIÆ LEGALES.

LEGAL DILIGENCE.

PERSONA STANDI.

SUMMAR APPLICATION.

APPENDIX.