

No 46. ment 12, James VI, are declared null : but the comprising was reduced, notwithstanding of the argument proponed in the contrary, as is before noted.

*Fol. Dic. v. 1. p. 260. Durie, p. 588.*

No 47.

A special place being appointed in a reversion for consigning money, and the wadsetter being abroad, the Lords granted warrant to cite him at the market cross of Edinburgh and pier and shore of Leith.

1632. February 8.

DYELL against BRUCE.

IN a declarator of a redemption, pursued by Thomas Dyell of Kinnes against Mr Robert Bruce, it is *alleged*, that conform to the reversion, premonition was not made at the said — house. It was *answered*, that the defender was out of Scotland, in France, *animo remanendi*, these thirty years; whereupon THE LORDS granted the pursuer letters to make admonition to the defender, at the market-cross of Edinburgh, pier and shore of Leith; and conform to the Lords' deliverance, he made admonition at the said places, which THE LORDS sustained.

*Fol. Dic. v. 1. p. 261. Auchinleck, MS. p. 181.*

No 48.

A denunciation at the market cross of Edinburgh against a person out of the country is sufficient, tho' his lands lye in another sheriffdom.

1666. July 4.

CUNNINGHAM against CUNNINGHAM.

JEAN CUNNINGHAM donatar to the liferent escheat of umquhile Sir David Cunningham of Robertland, pursuing a general declarator, the horning was quarrelled upon this ground, that Sir Robert being in England the time of the denunciation, and the denunciation being at the market-cross of Edinburgh, the samen was null, because it should have been executed at Irvine, the head burgh of the bailliary within which the lands lye, especially Sir Robert having been for the time prisoner in England, and so absent *republicæ causa*. THE LORDS, notwithstanding of the allegiance proponed, sustained the horning, and found it sufficient to denounce at Edinburgh, and pier and shore of Leith, *tanquam communis patria*.

*Fol. Dic. v. 1. p. 261. Newbyth, MS. p. 68.*

No 49.

Requisition against a party out of the country should be at the market-cross of Edin-

1669. July 15.

LEITH against EARL MARSHALL.

IN the action betwixt Leith and the Earl of Marshall, after the right made to Leith's brother by his wife was reduced upon minority and lesion, it was *alleged* for the husband Leith, that he had right to the sum of 1200 merks, contained in the wadset of the lands of Troup, in so far as his wife, with consent of her