May hear, for if his Execution bearing that he gave six knocks be improved by his trusting that the knocks were not given or Decentfully given D. G. by his Ward, a piece of Earth or Stick, so as those within might not hear, the Messenger runs the hazard of being punished as a forger Stair lib. 3 Tit. 3 § 3 & 4. The Messenger must, if he be admitted into the House after his giving the six knocks, fix a Copy of his warrand upon the Gate cl. Act 75. The Copy affixed must be left there, for if the person at whose it is affixed, to surprize him who is Cited or Charged, and take off the Copy immediately after the Messenger's going away, or if the Messenger or the witnesses in the Execution carry off the Copy (which hath been some times done) that step of Diligence should be null tho they had no warrand from their Employer to do so, 11 Feb. 1674 Mc Culloch contra Gordon. And if the Messenger saw such a practice and yet lay in his execution, that he left a copy affixed the execution would be Declared false, and he condignly punished as a forger Stair lib. 3 Tit. 3 § 5 lib. 4 Tit. 38 § 15. There is no Necessity of knocking at the Gate, when there is access to the house, nor of affixing a Copy on the Gate where a Copy is given to and received by the parties wife or Child or Servant in his House 11 Decemb. 1679 C. Cassilis contra E. Roxburgh Stair lib. 3 Tit. 3 § 5 lib. 4 Tit. 38 § 15 Tit. 47 § 3. Execution in absence of the party at his Shop is Null unless the Pursuer offer to prove that the Shop is a part of the Dwelling house, 1 Feb. 1684 Anderson contra Cruikshanks & others. Citation by leaving a Copy with the porter servant where he lodged in the Morning when himself goes Abroad, as the servant Declared, was found Null, because it amounted neither to a personal Citation of the Messenger, nor leaving not with the party, nor to a Citation at his dwelling house, that being elsewhere, 13 July 1708 Brice contra Affleck. Where a Man hath Resided 40 days in a place as an Inmate or hired Chamber while his Ordinary Residence is elsewhere a Common Summons (20 Novemb. 1672 Paterson contra Fairnow) or Letters of Arrestment (13 March 1707 Frame of Cincastle contra Deichard) may be Executed by leaving a Copy for him either in his Ordinary or Temporary Dwelling. But he could not be Denounced at the Market Cross of the Jurisdiction where his Temporary Dwelling lies, in order to

to Make his escheat fall which is Odious, Nor could his testament be Confirmed by the Commissary of that District 20 Novemb. 1672 Paterson contra Fairnow. Both which Denunciation and Confirmation must be Caped with Regard to his Principal or Ordinary Residence where he Retains Lardin & Lochins. This Order of Citing or Charging first personally and whole and a personal Citation or Charge cannot be given of Citing or Charging at the Dwelling house, is Authorized by the Civil Law C. 1. 51 ff. de Agnosc. & Alend. l. 6.

Summons or Letters are served against persons with in Scotland in the Extraordinary Way, by an Edictal Citation or Charge at Market Crosses, against Tutors or Curators of a Minor for their Interest at the Market Cross of the Head burgh of the Shire, Stratbogie Regality where the Minor Dwells Craig Feud lib. 3 Tit. 7 § 10 Stair lib. 4 Tit. 38 § 23. Execution of Denunciation Interdiction or Inhibition against the Liges at the Market Cross where the Denunciee, Interdicted or Inhibited person lives 1 Act 264 Parl. 15 J. 6. In which case of the Minor whose Tutors or Curators are to be Cited, or the person whose Interdiction or Inhibition is to be published to the Liges Resided within the precinct of the Kings House Gowrie within a Regality, as the Abbey of Holyrood House within the Regality of Burghtown, such Citation or Publication must not be served at the Market Cross of the Regality, But at the Market Cross of the Head burgh of the Shire, 11 January 1662 Lord Carnegy & his Lady contra Ciel & others. Because his Majesties House or Palace of Holyrood is reputed as a part of the Royalty and as the Shire and not in the Regality. Edictal Citation or Charge against persons fugitive for Debt or haunting places to which there is not latus Aditus is used at the accustomed Market Cross of the Jurisdiction Nearest to the places where they haunt, 5 July 1670 Lindsay & Swintoun contra Eight & 12 June 1705 Cochran contra Urquhart 22 Novemb. 1712 D. Montrose contra Rob Roy Stair lib. 4 Tit. 38 § 11 Tit. 47 § 3. And against Vagrants or such as have no Certain abode, at the Market Cross of Edinburgh Stair ibid. By Virtue of a Special Warrand in the Summons or Letters obtained from the Lords upon the Notarity of the Things against Moves of Sale and Blanking is served against Creditors not