

No 2.

1611. *November 28.* L. of SAUCHIE *against* HADDEN.

IN an action betwixt the Laird of Sauchie and Mr Joseph Hadden, the LORDS declared they would grant suspension *super cautione juratoria*, in respect the sum was so great.

*Fol. Dic. v. 1. p. 121. Kerse, MS. fol. 213.*

---

No 3.

Juratory caution is not admissible, in a removing for violent profits. *See Act 29th, Parl. 1555.*

1630. *June 17.* HUME *against* HUME.

IN a removing, the defender, who used an incident to prove his exception, admitted to his probation, being desired, conform to the act of Parliament, and practice observed, to find caution for the violent profits, and offering to give *cautionem juratoriam*, and to make faith, that he was not able to find another cautioner, and that he could get none who would be cautioner for him to that effect; this *cautio juratoria* was refused, and found ought not to be admitted in such actions and causes; but that either he ought to find sufficient caution, or else that decret should be given against him to remove.

*July 6. 1630.*—In a removing, caution being offered by the defender, to whose probation an exception was admitted, as use is, for violent profits. The cautioner being at the horn, was refused, albeit he was a landed man, and was at the horn, as caution for another man's debt, and the horning of an old date.

Act. Craig.

Alt. Belsbes.

Clerk, Gibson.

*Fol. Dic. v. 1. p. 121. Durie, p. 518. & 525.*

---

No 4.

Juratory caution not being admissible for violent profits, the Court will accept of such caution as the party can procure

1630. *July 10.* BENNET *against* PORTEOUS.

IN a removing, an exception admitted to probation, and an incident used for proving thereof, caution being desired for the violent profits, as use is, the defender being a poor miserable woman who was not able to find caution, and offering *cautionem juratoriam*; the LORDS, in respect of the act of Parliament, refused to accept of *cautionem juratoriam*, and ordained her to find caution; but declared they would admit such caution as the poor woman could find.

Act. Tailzor.

Alt. Gray.

Clerk, Hay.

*Fol. Dic. v. 1. p. 121. Durie, p. 530.*