

1742. *February 3.* SPENCE *against* CAVES.

No. 12.

CAUTIONER not bound in the original bond, but some time after giving an obligation that the principal debtor shall pay the money, or otherways he shall pay it, he always getting an assignation; found not entitled to the benefit of the act 1695, anent cautioners. (See DICT. No. 221. p. 11020.)

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1742. *June 29.* MIDDLETON *against* BURNET.

No. 13.

A BOND by two, where one acknowledged him to have borrowed and received the money, and therefore he, and with him another, (not with and for him,) became bound conjunctly and severally to pay; the co-obligant not found entitled to the benefit of the act 1695. (See DICT. No. 220. p. 11018.)

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1743. *November 23.* HUNTER *against* HAMILTON.

No. 14.

CAUTIONER in a suspension not liberated, though the bond suspended was by mistake recited in the bond of caution, as of a date several years before the true date of it. *Vide inter eosdem, voce* PERSONAL OBJECTION.

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1744. *February 21, 29.* SINCLAIR of Scotscathill *against* M'KAY.

No. 15.

CAUTIONER in a suspension not liberated, though the bill, the ground of the charge, was in the bond of caution said to be, a bill drawn by in Holland, (whose name I have forgot,) on M'Kay, payable to Baillie for L.32. 10s., whereas the bill charged on was drawn by Baillie upon M'Kay, and payable to Baillie himself for L.33. 10s., value in the bill drawn by the said merchant in Holland.

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1745. *July 10.* Sir ROBERT POLLOCK *against* Mrs. LOCKHART.

No. 16.

SIR Robert and James Pollocks joined in a bond of corroboration of a former bond of L.1000 Scots, by the then deceased Thomas Pollock as principal, and Sir Robert as cautioner, and another small debt due by Thomas Relief among cautioners.