

CAUTIO JUDICIO SISTI ET JUDICATUM SOLVI.

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1743. December 13.

CAPTAIN RALPH DUNDAS *against* RODERICK M'LEOD.

CAUTIONER *judicatum solvi* in the Court of Admiralty remains bound, though the principal defender die before sentence; and though the next heir be a foreigner not within our jurisdiction, the process may be transferred to the effect of making the cautioner liable. On bill and answers adhered. (See DICT. No. 8. p. 2038.)

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No. 1.

1751. February 13. CHALMERS *against* GORE.

GORE an Englishman being sued in the Admiral-Court for certain embezzlements of goods in a merchant-ship taken and sent into Leith by one of the King's ships in 1745 on suspicion, and committed to Gore's charge, being then purser of the said ship; he found caution *judicio sisti*, and after a proof taken sisted himself in Court, got his bail-bond discharged, and was committed to prison; and the Judge found the embezzlements proven, but had not liquidated the extent of the damages, when Gore applied to the Judge to be liberated on juratory caution, which he granted, and a disposition of some few trifles in England was consigned; but the merchants presented a bill of suspension, which on report we passed; and the President thought that in no case ought juratory caution *judicio sisti* to be received; and all agreed that it was too late to receive it after embezzlements found proven. (See DICT. No. 9. p. 2042.)

No. 2.

See NOTES.