

would make him instantly flee. THE LORDS considered the demand was extraordinary, to begin at a caption when the first diligence was not yet run; but in extraordinary cases, they had applied extraordinary remedies; and lately, in the case of a Frenchman running out of the country, they had imprisoned him till he should find caution to his creditors. And long ago, in 1672, Mason was summarily apprehended at the instance of Street and Jackson, Englishmen, his creditors, being *in meditatione fugæ*, No. 32. p. 4911. THE LORDS, in respect of the singularity of this case, granted a summary warrant to apprehend him. The next question was, if he should have a protection for a few days, seeing he was under the hazard of many captions, at the instance of sundry creditors; which also carried by plurality, the Earl of Lithgow's curators giving their oath, in the terms of the act of Parliament, that he was a material necessary witness; which the Earl of Home, as his tutor, gave, and thereon the protection was granted, and signed by those who voted for it.

*Fol. Dic. v. 1. p. 571. Fountainhall, v. 2. p. 77.*

No 4.

1700. February 21.

The EARLS of STRATHMORE and PANMUIR *against* ALEXANDER INNES.

ON a bill given in by the Earls of Strathmore and Panmuir, representing that Alexander Innes, writer to the signet, had sundry papers and some of their money in his hands, and was absconding, *et in meditatione fugæ*, the LORDS granted a summary warrant to apprehend him, not to be put in prison, but brought before the Ordinary upon the bills, who was to examine him; and, if he found ground, was either to put him under caution for his appearance, or commit him to prison, he being a member of the College of Justice.

*Fol. Dic. v. 1. p. 571. Fountainhall, v. 1. p. 91.*

No 5.

1727. June.

BARROWFIELD *against* WEATHERSPOON.

THE LORDS were unanimous, that upon application to any inferior magistrate, a debtor *sub meditatione fugæ* may be summarily incarcerated.—See APPENDIX.

*Fol. Dic. v. 1. p. 571.*

No 6.

1744. December 7.

SCOT *against* SANDILANDS and MANDERSTON.

AN officer who lived with his wife and family for several months in Edinburgh, going to join his regiment, a creditor apprehended him on a warrant on the act 1672, cap. 8. until he should find caution *judicio sisti et judicatum*

No 7.