

*CAUTIO JURATORIA.*

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1734. *July 26.*A. *against* B.

A BILL of suspension and liberation passed on juratory caution, against the act of sederunt, November 1682, which the President said was in disuse these 30 years.

No. 1.

See NOTES.

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**CAUTIONER.**

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1734. *February 15.*

CHALMERS of Gadgirth *against* MONTGOMERY of Coalsfield

A CAUTIONER paying on assignation may adjudge for all that he pays for annualrent thereafter, but cannot adjudge for the penalty in the original bond though assigned to him, unless he has paid it, though there be no penalty in the bond of relief.

No. 1.

1734. *December 5.*

AGNES TURNBULL, Relict of EUGENE FOTHERINGHAM and her Children,  
*against* THOMAS FOTHERINGHAM of Powrie.

CAUTIONER in a contract of marriage for the husband's employing and re-employing his stock, and the bride's tocher, to them two in conjunct fee and liferent, and the bairns of the marriage in fee, found liable to the children for the money, without relief against them as heirs of provision to their father; and it was found no good defence, that the father had employed and lost the money in trade, being a merchant.

No. 2.