

MEDITATIONE FUGÆ.

1665. November 30. CREDITORS OF JAMES MASON, Merchant, Supplicants.

JAMES MASON, merchant in Edinburgh, having unexpectedly broke and fled, his Creditors gave in supplication to the Lords, bearing, That he had most deceitfully broken, having the price of the goods that he had sold *meditatione fugæ* in his hand; and that he either lurked in the Abbey or was to go out of the country; and therefore craved a warrant to messengers of arms to secure his goods and apprehend his person wherever the same could be found, until the matter were heard.

THE LORDS having considered the case, that the occasion was very extraordinary, and also the desire, most were of the opinion that the LORDS might grant the desire, which was done accordingly, with a recommendation to the Duke of Hamilton, keeper of the King's house, not to suffer him to lurk there, but to expel him that he might be apprehended; for, albeit ordinarily the LORDS grant not caption or warrant of warding the persons of the King's free lieges till they be denounced rebel; yet, seeing the magistrates of burghs and the admiral grant acts of warding against parties, until they find caution to answer as law will, the LORDS, who had eminently in themselves these jurisdictions, they might do the like in the like case; but some thought that was a special privilege not to be extended, and this was of dangerous example to secure persons unheard, more proper for the Council, as a case extraordinary, than for the Session.

No 1.
Caption was granted summarily against a fraudulent bankrupt.

Eol. Dic. v. 1. p. 571. Stair, v. 1. p. 317.