

Before 16 Novemb. 1672 Kennary contra Davie 27 Novemb. 1673 Inter
 reddem. A person who gave bond to present a prisoner taken with
 Caption to the Messengers upon the third of February at such an hour
 having reproduced him at that hour upon the fourth Day of the said
 Month, gave in a Supplication to the Lords, craving up his bond, or
 that it should be Declared satisfied and Extinct. To which it was An-
 swered by the Creditors in the Caption of the not being a Member or
 Dependiant on the Colledge of Justice, could not be thus summarily re-
 voked: in order to the Declaring a bond void which is in effect the
 Reduction. 2^d of the Bond was not Implemented by presenting the prisoner
 on the proper Day. It was Repealed for the petitioner. 2^d of the Bond might
 be sustained per Modum Quere against the Creditor being in de-
 fault and not appearing. 2^d of Modica Mora of one day beyond
 time Limited without any damage to the Creditor is not to be re-
 garded. The Lords sustained the Petition and found the bond
 Extinct 12 Feb. 1663 E. in these words contra L. Broomhall. A Clause in
 a Bond to present a Debtor prisoner in a to be such herein to be made
 for fulfilling the Will of both of Caption, was found not Imple-
 mented by the Debtor coming to the to be such the day after the
 hour appointed: being he did not offer himself to the Magistrate at
 his prisoner, and require him to call for the other party to present
 the Caption commanding the Magistrate to keep him prisoner.
 But the bond was found to import no more than to enter the
 Debtor once prisoner, and not to make the Grantor liable for the
 Debtors escaping afterwards out of prison: being the words to
 present him to remain prisoner for fulfilling the Will of the
 Debtors, were no part of the obligation, but did express only the
 End for which the Debtor was to be presented 19 Feb. 1679 L. Pet
 contra L. Dinn. A prisoner being dismissed upon a
 third persons bond to present him at Dumfries such a day
 or pay the sum in the Caption: The Grantor of the bond was found
 liable to pay the sum, albeit the prisoner when he should have
 been presented was taken with another Caption at Edinburgh
 where by it became factum Impresibile to present him at
 Dumfries. Because albeit death or Sickness or any unforeseen
 Accident not Occurring by the prisoners fault might have
 been Relevant to absolve the Grantor of the bond upon his
 offering the prisoner so soon as that Accident ceased, yet an
 Imprudent happening by the prisoners own fault or fact such
 as

As his being under the hazard of other Captions for his own Debt, can
 not be regarded 7 July 1681 Salted contra v. col.

Art. 2.

Concerning a Superdore.

Superdore is a respite or delay for some time of personal diligence
 against a Debtor voluntarily granted to him by his Creditors, that he
 may try in the mean while to extirpate his affairs that are wrong
 wrong. A Creditor for Comparing and recovering with
 Messengers in the Execution of a Caption at the first time put in
 within the time of a Superdore granted by him to the Debtor,
 was by the Court of Justiciary found liable to an arbitrary punish-
 ment, albeit he had not refused the petition or
 upon which the Superdore was granted: In respect the irregularity of
 the Superdore was not Decided by the Court and many others
 sending the Caption 27 July 1677 Master Robert Keith of Leith
 and others. Therefore if when a Superdore is granted to a person
 that day is understood to be the day, and if it be the day
 to do diligence on that day?

Art. 2.

How Caption may be Stopped against the Creditors
 Captions may be Stopped against the Creditors 1^o by the Debtors
 Relinquishing to a Sanctuary. 2^o By a protection. 3^o By a cessio Bonorum.
 4^o By the Act of Grace. 5^o By a suspension of the Charge. 6^o By what
 shall be treated in order as they lie in the following Sections.

Art. 1.

of a Sanctuary.
 Caption or Execution of the Body for Civil Debt is Stopped by the
 Debtors Relinquishing and keeping within the Abbey of Holy Roodhouse
 which is an undoubted Sanctuary in Scotland. But Sir John Maitland
 (Decid. 127) observes, that the lords of Session 7 January 1665
 upon Debate among themselves, thought that the Abbey being
 his Majesties house should not exempt from Execution of the
 Kings Letters of Caption, nor protect any person against his
 Majesties Law: and therefore recommended to the keeper
 of the Abbey, to put out a person under Caption and not to
 shelter him there.