

Immovable estate, or such as is exhausted by Diligence affecting it should have exemption from being proceeded against in the same way as others. The Lords of Session doth allow Justice for the captives against Parliament of their Author, or Commission of this order in Business before the court great Divines or heires of writs; and against servants of the v<sup>c</sup> called for keeping up proceedings.

2<sup>d</sup> of the Admiral has a privilege to arreest or seize persons Summarily, till they find surtye in Juicio delis, or Judicium Solvi, or both 16 Novemb. 1696 Stuart contra Geil Stat lib A Fil. 47. 823. Because his Jurisdiction concerns Strangers who ought to have Dispatch in what they shall claim, or what is due by them to others. his Supra pag. 1021, 1022.

3<sup>d</sup> By the Borden Law, Inhabitants on Either side of the Border are, upon Application to any Magistrate of the Bond arrested and Imprisoned for any debt, till they find surtye to Answer and pay 13 January 1646 Bo B contra Ro: contra 20 July 1703. Bot and Hunter contra M. de la Penan Coler. Because if it were otherwise, Scottish Merchants to pursue their English Debtors in the Courts of West Minster and English men their Debtors in Scotland before the Sessions, Port and Archment for debt till the party find surtye to appear before the Judge of the place, or pay the Money, is allowed for the benefit of the poor in England and other foreign Countries.

4<sup>th</sup> Magistrates of Burghs Royal may arrest Strangers living without the Burgh without any debt owing by them to Burghs till they find surtye to pay what was due, spot wood Gr. Fil. Curony Burgh & Burghs. But know that privilege is their Privilege by Law, that Magistrates of Burghs Royal may arrest Strangers living without the Burgh and found therein at the Instance of an Inhabitant for such Money, Meats, Abutments or other Merchandise due to himself privately without bond or other security Act 6 Parl. 2 Sept. 3 Ch. 2 when their own Account books. But this Restricted privilege is not competent to the Inhabitants of Burghs of Reg. allis or Burony; Tho Magistrates in these Burghs do and may arrest their Burghs for debts, Act 6 Parl. 2 Sept. 3 Ch. 2. Nor can Strangers be arrested at the Instance of Inhabitants in Burghs Royal for such debts assigned to them by the persons who furnish the Meats or other Goods, nor get at the Instance of the person who have given security for the same from the Statute d. Act 6 Parl. 2 Sept. 3 Ch. 2. M. Curie contra M. de la Penan. Again, A Burghs was found to have arrested a stranger unwarrantably for Bond

For which the s<sup>r</sup> had not in store within the Burgh, but in the County 22 Feb. 1677 Law contra Diet. Because a Merchant is understood to sell his goods that are not within Burghs tanquam quiblibet. The Caution to Answer as Law first for any claim found in a Burgh Royal by a stranger or out dweller, subject to Law in that Matter to the Jurisdiction of the Burgh 31<sup>st</sup> January 1633. Stevenson contra Law, Magistrates of Royal Burghs are also privileged to force forth writs of Winding up persons in prison may be brought there at the Command of a Bailie, when a Hole is taken in the English Books spot wood Gr. Fil. Arrestment. The taken and put in Ward may be arreest at a Burghs Justice upon a Bond with out letters of Caption directed thereon: But one who is not a Burghs cannot himself his Debtor in prison without letters of Caption spot wood Gr. Fil. Morning.

A Curator having procured suspension of a Decree against him at the Instance of a Bailie for a great Balance due to the Minor by the suspension of his factor, upon Court giving a Disposition of a spot wood Gr. Fil. Curony of the said Balance: During the Suspension of which suspension, the Lord upon a Bid given in by the Curator representing that the suspensions a fact were gone in Consolation and that himself had absconded and his Creditors were affecting him with Diligence, allowed the Curator Disposition to be legitimated and given up to the Curator, in order to a legitimation thereon for security of what Balance should be found due to the Minor in the event of the Curator and Curator. Act it was added for the Curator that the legitimation could not be taken for a debt not yet constituted 24 Feb. 1709. Dow contra Deaton.

Tit. 2.  
How Civil Controversies are ended by the Act of all parties.

Debatable Rights or Law suits are settled or prevented by Mutual Consent of all parties in an Amicable Manner, either by transaction, or by submission.

Sec. 1.  
Of transactions.

When persons have a debatable Interest for themselves rather to avoid their Differences among themselves, than trust to the Issues of Law, they are bound with the Danger of losing a Law suit, they enter into a Grand Action. A transaction called in the Law of England Concordia, or