

## CAUTIO DE RATO.

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**A** GENERAL procuratory, granted by a man to his wife to pursue actions, was refused by the LORDS, without *cautio de rato*.

No 1.

*Fol. Dic. v. 1. p. 122. Colvil, MS.*

\* \* \* See This case *voce* HUSBAND and WIFE.

The like where the husband was furth of the kingdom. *Haddington, MS.*  
5th February 1611; also *voce* HUSBAND and WIFE.

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1627. February 14.

PYRANINE, Frenchman, *against* PATRICK RAMSAY'S BAIRNS.

No 2.

IN the action between Pyranine, a Frenchman, and Patrick Ramsay's Bairns, it was found, there behoved a procuratory to be produced from Pyranine, in *ingressu litis*, or else present caution to be found.

*Fol. Dic. v. 1. p. 122. Spottiswood, p. 8.*

\* \* \* See This case by Durie, p. 273. *voce* WRIT, where it would seem *both* procuratory and caution were found necessary.

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1629. December 15.

CORNELIUS PATERSON, Dutchman, *against* CAPTAIN ALEXANDER.

CORNELIUS PATERSON, Dutchman, having intented action of reduction of a decret obtained by Captain Alexander before the Admiral, whereby a ship of his, taken by Captain Alexander, was declared prize; it was *alleged*, No process at the pursuer's instance, being a stranger and absent, before there was a procuratory produced from him, giving power to some man to pursue him.—THE LORDS sustained process, the pursuer's procurators producing either a procuratory before litiscontestation, or else finding caution before that time.

*Fol. Dic. v. 1. p. 122. Spottiswood, p. 8.*

See APPENDIX.

No 3.  
The Court, in a case a stranger against a Scotsman, sustained process, the pursuer's procurators, either producing a procuratory before litiscontestation, or else finding caution before that time.