precepts for infefting in the Prince's lands? We therefore declined to interpose, but found that the brieve for the service should be directed to the Sheriff of Edinburgh; and President thought that the precept should be by the Prince's Commissioners, and they might direct it to whom they pleased as any other superior.

PRISONER.

No. 1. 1733, Dec. 7. A. *against* B.

WHETHER on the act of grace the disposition should be general to all creditors or special to the incarcerator? carried, special, by the President's casting vote.

No. 2. 1734, July 18. HAY *against* THE JAILOR OF EDINBURGH.

THE Lords found that the jailor is obliged to aliment indigent prisoners in the same way as other creditors upon the act 1696.

*** The cases referred to decided the same way are thus mentioned:

20th December 1734, (1735) Rattray against The Jailor of Edinburgh. The Lords found the Jailor bound to aliment or set at liberty in the same way as other creditors. This was again found 6th January 1736. The Lords repeated the same judgment 20th January 1736 in the case of William Stark against Jailor of Edinburgh, and 13th December 1737, John Hopkins *versus Eundem.*

No. 3. 1734, July 26. RATTRAY *against* THOMSON.

THE Lords refused aliment to Rattray.

No. 4. 1734, Nov. 15. M'INTOSH *against* PROVOST DAWSON.

I reported a bill of suspension and liberation for M'Intosh, then in the messenger's hands. The Lords were of opinion that in the eye of the law he was a prisoner as much as if in jail, and therefore would not pass the bill upon instant caution without being seen. But directed me to appoint it to be seen and answered, and to sist execution except imprisonment.

No. 5. 1736, June 25. DUFF of Cubbin *against* HIS CREDITORS.

THE Lords would not receive this *cessio bonorum* by report of the Ordinary till great avizandum were made, and that it came in by course of the Inner-House roll according to regulations 1672 Art. 5.