

son ; and his liberation, both upon the Act of Grace and afterwards in a *cessio*, was refused.

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1773. *February* . JOHN DOUGLAS against SIR JOHN STEWART.

JOHN Douglas, being imprisoned for payment of the penalties imposed by statute, for selling excisable liquors by retail without license, applied for, and obtained the benefit of the Act of Grace. Sir John Stewart, solicitor of stamp-duties, brought a suspension. Informations were ordered. But it went off without a decision, February 1773. In this case the difficulty was increased, by the privilege of Crown debts, which are said to exclude a *cessio bonorum* ; and by the danger of defeating all penalties enacted by excise laws, seeing, as the officers of the Crown have no fund for alimentering such prisoners, they would all come out on the Act of Grace.

Same point occurred again, *March 1775*, Cuthbertson against Sir John Stewart.

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1776. *August 8*. JOHN GORDON, Petitioner.

JOHN Gordon, being imprisoned for debt in the Tolbooth of Edinburgh, applied to the Magistrates for the benefit of the Act 1696. The Magistrates granted it ; but, for want of money to pay the fees of extracting his decret, his warrant of liberation could not be got extracted. He applied, 18th July 1776, by petition to the Lords. The Lords ordered the petition to be intimated at the town-clerks' chambers, and the clerks concerned to give in answers thereto. Answers were given in accordingly. The Lords superseded the advising for eight days, on condition that the town-clerks would continue the aliment in the meantime ; and they allowed them to give in an additional paper, if they saw fit. They did so : they gave in additional answers. The Lords, 8th August 1776, pronounced this interlocutor :—" Find, that when a person is found entitled to the benefit of the Act of Grace, and has complied with the statute, and is unable to advance the fees of extracting his act of liberation, or the other fees of court during the process, that the city-clerks, and their extractors, are entitled either to aliment the prisoner until said fees are paid, or are bound to give him his extract gratis ; reserving all claim competent to draw payment thereof out of his effects as any other creditor, and therefore, in the present case, decern in favour of the petitioner, in the terms above mentioned ; the city's clerks being obliged to continue to aliment him until his extract shall be delivered to him.