

confessing and denying. As to holograph writings, they have always been admitted to be probative: that is a fixed rule, and it is recognised by the statute 1669; but the duration of their efficacy is limited to twenty years, unless the party refer the writing, as well as the subscription, to oath; but the reference, the whole, must be re-authenticated. Hence it follows, according to some arguments used to-day, that holograph writings would have less authority than even writings the most informal.

ANKERVILLE. Considering the long train of decisions, and the force of the arguments used from the chair, I have changed my former opinion.

On the 26th May 1790, The Lords found "that no action lay;" adhering to the interlocutor of Lord Dreghorn, which was founded on the series of decisions, not on the merits of the question.

*Act.* R. Blair. *Alt.* G. Ferguson.

Hearing in presence.

*Diss.* Justice-Clerk, Monboddo, Dreghorn.

1790. May 27. WILLIAM GRAY *against* ROBERT AITKEN.

PRISONER—ACT 1695, C. 32.

A person, to whom a *Cessio Bonorum* had been refused, admitted to the benefit of the Act of Grace.

[*Fac. Coll. X.* 263; *Dict.* 11,819.]

JUSTICE-CLERK. A man imprisoned for a civil debt must be alimanted by his creditors. The law will not suffer any person to starve. When a man is imprisoned for a crime, the public, not the private party, must alimant.

ESKGROVE. The question is not between the party and the creditor, but between the public and the creditor.

PRESIDENT. The proceedings before the Sheriff were rather summary, and not altogether legal.

On the 27th May 1790, "The Lords found alimant due, [adhering to the interlocutor of Lord Stonefield] and modified the alimant to 6d *per diem*, free of jailor's fees.

*Act.* Wemyss. *Alt.* Allan M'Conochie.