

APPENDIX.

PART I.

PRISONER.

1801. *March 11.* HUGH MACWHINNIE *against* JOHN MACFADZEN.

NO. 1.

HUGH MACWHINNIE having been imprisoned in the jail of Ayr for a debt of L. 49, 16 s. due to John Macfadzen, he applied to the Magistrates for alim-ent, in terms of the act of grace.

A prisoner, who has obtained the benefit of the act of grace, is not liable in jail fees.

The Magistrates appointed 10 d. a-day to be paid to him by the incarcerating creditor, who having brought the sentence under review by a bill of advocacy, the Lord Ordinary remitted the case to the Magistrates, with instructions to limit the alim-ent to 8 d. *per* day.

Macwhinnie presented a reclaiming petition against this judgment, in which he stated, *inter alia*, that he was obliged to pay the jailor 4 d. a-day of fees, so that he would have only 4 d. remaining for his subsistence, which was altogether inadequate.

The Court expressed, in strong terms, their opinion of the illegality of the jailor's making any charge whatsoever against a prisoner in the peti-tioner's situation, and refused the petition, upon the ground, that he was not in future to be liable to any such exaction. (See No. 87. p. 11769.)

Lord Ordinary, *Balmuto*.

For the Petitioner, *James Ferguson*.

R. D.

Fac. Coll. No. 228. p. 518.

1804. *May 29.* MERCER, *against* TASKER AND OTHERS.

NO. 2.

RICHARD MERCER, a native of Ireland, who had resided for some years in this country, brought a process of *cessio bonorum* against his creditors, It is no objection to the