

No 68.

1752. *July 14.* JAMES ROB, Keeper of the Tolbooth of Edinburgh.

WHEN a man, for a crime, is condemned to be transported out of the kingdom, the transportation, being a part of the sentence, cannot be disappointed by any private debt. And therefore it was found, That the keeper of a prison could not prevent a transportation by his claim for prison-dues.

*Fel. Dic. v. 4. p. 137. Sel. Dec. No 17. p. 20.*

\* \* \* This case is reported in the Faculty Collection :

ROB, keeper of the prison of Edinburgh, petitioned the Lords that he might be authorised to detain a criminal under sentence of transportation, until payment of the prison dues should be made. THE LORDS were of opinion, That, by indulging this privilege to jailors, every corporal punishment inflicted by law might be evaded ; and therefore,

“ They refused the petition.”

Petitioner, *And. Macdonall.*

*Fac. Col. No 28. p. 48.*

1754. *August 9.*HIS MAJESTY'S ADVOCATE *against* JOHN CAMERON of Fassefairn.

No 69.  
A person imprisoned, to stand trial for forgery, not entitled to be admitted to bail.

IN the 1749, John Cameron of Fassefairn, in terms of 20th Geo. II. cap. 41. offered to the Court of Session a claim, consisting of seven different articles, upon the forfeited estate of Lochiel ; and, at the same time, he produced the bonds and other vouchers upon which his claim was founded.

In April 1753, he was committed to jail, upon a charge of high treason. Thereafter, in terms of the act 1701, William, Sess. 8. and 9. cap. 6. he served his Majesty's Advocate with letters of intimation, in order to be brought to trial. In August 1753, before the days of the letters of intimation were elapsed, a new warrant of commitment was obtained against him. The charge of high treason was laid aside ; and he was charged with another crime ; namely, the having forged some of the bonds above mentioned, or at least used them, knowing them to be forged. And there was this ground of suspicion against him,—that, after these bonds had been produced in Court, they were privately abstracted from the process ; and there was the strongest presumption that, upon the surmise of this charge, the defender himself had abstracted them. During the course of his trial for this crime, he presented to the Court three several petitions, one upon the 10th of August 1753, one upon the 6th March 1754, and