

1781. *June 13.* Mrs JEAN BELL *against* MAGISTRATES of LOCHMABEN.

PRISONER.

Magistrates liable if they do not imprison debtors as soon as delivered to them.

[*Fac. Coll. VIII. 39; Dict. 11,756.*]

PRESIDENT. In England, our law is ridiculed, which allows six days of charge, as giving warning to the debtor, that he may escape or put away his goods; but the Magistrates of Lochmaben have given *three* days more to the debtor which the law has not given.

HAILES. The messenger, in his execution, used some words misapplied and misunderstood; but the Magistrates received the prisoners, and therefore must account for them.

KENNET. By this conduct of the Magistrates, full time and opportunity were given to the debtors for abstracting their effects.

KAIMES. If Magistrates do not yet understand the law, it is high time that they should be taught it.

On the 13th June 1781, "The Lords repelled the defences, and found expenses due."

Unanimous.

*Act. R. Dalzell. Alt. G. Currie. Reporter, Westhall.*

1781. *June 13.* JAMES BUTCHART and OTHERS *against* ALEXANDER MUDIE and JOHN RENNIE.

PRESCRIPTION.

Act 1597, cap. 83, does not apply to accounts between the master of a ship and its owners.

[*Fac. Coll. VIII. 94; Dict. 11,113.*]

BRAXFIELD. The triennial prescription has no concern in this case, which relates to a common subject, as to which one of the proprietors acted as administrator.

PRESIDENT. The current of decisions has been, in terms of the statute, not to extend the triennial prescription, unless to things of the like kind with those specified in the statute.