

for Civil Debt. Members of Parliament are also privileged from such Arrest or Imprisonment for Civil Debt. It is false or wrongful Imprisonment when one is committed by a person having neither Authority nor Power or warrant to do so. Coke 2 Inst. 54. It is said from to infer wrongful Imprisonment, that an officer of a Baryony Committee one at his own hand without any special order from the Bailie. But this Defense was not retained Relevant to Alleviate the punishment, that the party Imprisoned was committing a Riot behind a door and behind a block of Night, and the officers of that Baryony had been always masters of the prison without any special Warrant of the Prisoner without any special Warrant of the Magistrate 13 November 1682 John Lopez. 3rd Inst. is wrongful Imprisonment to put any person in Custody in order to try him for any Crime or offence without a warrant in writ, Expressing the particular cause Except Coercion, Salters, Vagabonds, Mafloous beggars, persons convicted to Church Confession, or punishment, or for Acts blood and Battery, or Acting in tumults, or for Acts blood and Battery, or for Drunkenness, Sabbath Breaking, Swearing, or cleanness, perjury and thieving, or for Indignities done to Inferior Magistrates, Judges or Justices of Peace, or for Theft, Robbery and Hostage taking in the Borders and highlands, or upon suspicion of Rebellion, or for eminent or actual Treason, or for the Murder of a King. d. act 6. sess. 9. Parl. G. W. 4th It is reckoned wrongful Imprisonment to sign Warrants of Commitment for Crimes except as aforesaid, proceeding on Information not subscribed, or not Expressing the cause; or to Execute such Warrants, or Detain the person so ordered to be Imprisoned, or for the Execution of any Warrant of Commitment or Warrant of the Prisoner to Resist a Double of the Warrant to the prisoner; or to

keep any person close prisoner longer than eight days. And the legal order concerning Imprisonment is to be observed under the same pain in the case of Commitments if not Committed to or inflicted by Sentence, d. act 6. sess. 9. Parl. G. W. 5th A Judge Comptroller who Refuseth to order the Liberation of a prisoner for a Crime not Capital, upon offer of sufficient Bail according to his quality, vide infra p. 29. 1753. Or who upon Application of a prisoner for any Crime, doth not within 24 hours give his precept for Intimating to the prisoner to fix a day for the trial within forty days, or upon his coming the same, doth not set the prisoner at Liberty, or who in case of precept humbly refused and not paid, doth in and Committed within the time limited by Law, doth not, upon the prisoners Application give out precepts to set him at Liberty, or the Magistrate or Keeper of the prison, who do not admit him after such charge, upon his paying the due, or set a prisoner or detain one to be liberated in prison for the same Crime, after Intimation of the warrant of his Liberation, except upon new Criminal Letters Requested before the Court of Justiciary, duly Executed against him; or the transporters of any person forth of Scotland, except upon Consent given before a Judge, or by legal Sentence, are guilty of Wrong and Imprisonment d. act 6. sess. 9. Parl. G. W. 6th The pain of wrongful Imprisonment is 6000 pounds for a Noble man, 4000 pounds for a Landed Gentleman, 2000 pounds for any other Gentleman or Burgess, and 400 pounds for any other person. The wrongful Detainer of a prisoner after the day appointed for his liberation is liable to pay each day for a Nobleman 100 pounds for a Landed Gentleman 100 Merks for any other Gentleman.