

No 21. A petition reclaiming against this judgment, was refused by the Court without answers.

Lord Ordinary, *Halles.*

Act. *Macleod.*

S.

Fol. Dic. v. 4. p. 142. Fac. Col. No 24. p. 45.

1784. February 12. LAWSON against MAXWELL.

No 22.

A PERSON afflicted with a paralytic disorder was brought from Scotland to London, and put under the care of Maxwell, a surgeon, who attended him for ten months. He became insane, returned to Scotland, where he was attended by another surgeon, and died six months after. Maxwell claimed preference for his account of medicines and attendance during the ten months, as being a privileged debt. *Urged*, This privilege extends only to medicines furnished on deathbed, which term the law limits to 60 days preceding death. Besides, the debt was contracted in England, where there is no such legal privilege. THE LORDS rejected the claim of preference, chiefly, as it appears, on the last ground.

Fol. Dic. v. 4. p. 142. Fac. Col.

See PRESUMPTION, DIV. 2.

* * * This case is No 92. p. 4473, *voce* FOREIGN.

1789. February 3.

No 23.

Wages, or a yearly salary to the overseer of an extensive distillery, found not a privileged debt.

WILLIAM RIDLEY against The CREDITORS of JAMES HAIG.

WILLIAM RIDLEY was employed, with a salary of L. 300 per annum, as overseer in an extensive distillery carried on by James Haig.

After Haig's bankruptcy, the trustee on his sequestrated estate having, in consequence of particular instructions from the creditors, made payment of a term's wages to the farm-servants, and also to those who had been employed for domestic purposes, Mr Ridley claimed a preference, in the same manner, for a year's salary. He

Pleaded; No reason surely can be given, why an ingenious artisan or mechanic should not have the same indulgence which has been given to those employed in the meaner and less profitable business of cultivating land, and even to such as have been retained perhaps for the purposes of domestic luxury and extravagance. If, in general, the privilege be an encroachment on the just rights of other creditors, it ought to be done away; but if, on the other hand, it is founded on the wisest and most equitable grounds, by securing to those who commonly have no other support, that livelihood which their industry has earned, while it tends to prevent those illegal combinations that would other-