

## S E C T. IV.

Where voluntary Assignees are excluded by Law or Paction, whether the Right may be affected by Legal Diligence.

1619. February 3. BRUCE against BUCKIE.

No 91.

FOUND, That a comprising of a reversion needed not intimation, being judicial, and that the second comprising of the same reversion, first intimated, could not be preferred to the anterior comprising; and also found, that a reversion granted to any person and his heirs, excluding assignees, might be comprised.

*Fol. Dic. v. 2. p. 79. Kerse, MS. fol. 226.*

1680. July 30.

SIR WILLIAM BRUCE of Lochleven against GIB of Pow, and Other Wadsetters of Lochleven.

No 92.

SIR WILLIAM pursuing them to count and reckon on their reversions; *alleged*, They are only granted to the Earl of Morton and his heirs, and not to his assignees. THE LORDS sustained this to seclude Sir William, as long as he insisted on his voluntary disposition; but found this would not defend against him when he produced a right from the comprisers, unless the reversions were so personal as to seclude both assignees and comprisers.

*Fol. Dic. v. 2. p. 78. Fountainhall, MS.*

1748. Nov. 19.—1749. Jan. 12. Feb. 17. & June 13.

EARL OF CAITHNESS and ANDERSONS against SINCLAIR of Ulbster.

THE town of Wick, belonging in property or superiority to the Earl of Caithness, except a small part belonging to the bishop, was erected into a royal burgh by charter from King James VI. in the year 1589; wherein, after the preamble of its being a place well situated for trade, and therefore fit to be erected into a burgh royal, the erection runs thus: '*Facimus, constituimus, creamus, erigimus, incorporamus* totam et integram prædictam villam de Wick, cum omnibus et singulis domibus, edificis, &c. &c. in unum liberum burgum burgale, &c. cum speciali et plenari potestate liberis inhabitantibus et burgensibus dicti burgi et suis successoribus in futurum, cum expresso avisamento et consensu consanguinei nostri Georgii Comitum de Caithness, et ejus hæredum et successorum, et non aliter seu alio modo, præpositum et quatuor balivos, dicti burgi incolas seu inhabitatores, una cum thesaurario, &c. &c. eligendi, eosque et toties quoties expediens videbitur pro causis rationalibus deponendi,

No 93.

The power of superintending the election of the Magistrates of a burgh, found transferable.