

in 50 dollars, and incarcerated him, and declared his burghs-ticket void till he had petitioned the council; he gave in a bill of suspension, and the cause being ordained to be discussed thereon, he *alleged* the decreet was null, being pronounced by the town council, who have no jurisdiction; and that the fine was unjust and exorbitant, he having only said *that he got crooked justice, and would seek reparation from the Lords*, and referred the decreet complained upon to the Lords, that it was unjust.—It was *answered*, That all the magistrates being defamed, and complaining as parties, it was more equal and modest for them to remove, and not to sit as judges in their own complaint, but leave it to the town council; and that the sentence was noways exorbitant, but necessary for the defence of authority, and the respect of magistrates, without which they would become contemptible, and unable to serve the King in their stations; nor was it relevant to allege that the sentence was unjust, that therefore they might be defamed by most opprobrious words in presence of a multitude of citizens at a like-wake, which is proven by the testimonies of witnesses produced; likeas John Dougal had homologated the decreet, by craving the magistrates pardon upon his knees, conform thereto.

Yet the LORDS found the decreet null, the town council having no jurisdiction; but sustained it as a libel, and allowed John Dougal to propone his defences; and he proponing none, but both parties referring to the probation, the LORDS did instantly advise the same, and found, that John Dougal had, at a like-wake in the town, reproached the magistrates as unjust judges, and called them bankrupt rascals, and other more opprobrious words, which were not particularly expressed, and seeing he had acknowledged his fault upon his knees, and was put in prison, they modified his fine to 15 dollars, and assoilzied him from the rest of the points.

Stair, v. 2. p. 706.

1735. July 1.

JUSTICES of the PEACE of WIGTOUNSHIRE *against* The MAGISTRATES of the BURGH of WIGTOUN.

JUSTICES of Peace have right to call for the use of town-houses of royal burghs, and head burghs of shires, and the Magistrates of such burghs, are obliged to make patent their town-house to the Justices at all times for their meetings.

Fol. Dic. v. 1. p. 119.

* * * See This case *voce* JURISDICTION.

No 98.
vened a man before the council of the burgh, for using reproachful language to themselves. They were found not to have jurisdiction; but the Court of Session fined the party.

No 99.