

No 4.

been customary in the town were presumed to be the set, and were usually confirmed by the convention, as was done in the present case.

It was *answered*, That the powers of the convention were ascertained by the laws and acts of Parliament establishing their authority, which were numerous and known; and their possession of these powers, by the exercise of them, appeared from their acts for ages past, giving sets to the greatest part of the royal burghs in the nation, and altering them for just and necessary causes.

It was *observed* likewise for the chargers, That in the present question it seemed extremely odd, that the suspenders should dispute the authority of the convention, since the only title they pretend to, in support of their privileges, was an act of the commissioners of the convention.

THE LORDS found, That the convention of the royal burghs had power, on just and reasonable considerations, to make alterations, upon due and regular application, in the sets of particular burghs, formerly given them by the convention.

Reporter, *Lord Cowper.*

For the Trades, *Dun. Forbes & Jo. Forbes.*

*Alt. Ro. Dundas Advocatus & Ja. Graham.*

Clerk, *Mackenzie.*

*Fol. Dic. v. 3. p. 100. Edgar, p. 29.*

1736. February 26.

TRADES of the Burgh of Dumfries *against* THE MAGISTRATES and TOWN COUNCIL.

No 5.

THE acts of Parliament providing, that officers in burghs shall be traffickers, concern only the office bearers, not the counsellors.

*Fol. Dic. v. 1. p. 117.*

1745. January 29.

MR JOHN CUNNINGHAM Provost, and Others, Magistrates of Inverkeithing, *against* SIR ROBERT HENDERSON Provost, and Others, Magistrates of Inverkeithing.

No 6.

The Court approved of an alteration in the set of a burgh, made by the Convention of Royal Burghs.

THE set of the burgh of Inverkeithing consisted of a provost, two bailies, a dean of guild, and ten burgesses at the least, making fifteen counsellors. The counsellors were for life, unless they demitted; and there being no representation of the trades in council, an application was made to the convention of royal burghs, in the year 1742, who appointed the deacons of the five incorporations, to wit, hammermen, weavers, baxters, taylors, and shoemakers, to be counsellors