

1739. *December 12.*

No. 19.

COMMISSARY CLERK of LAUDER, *against* The COMMISSARIES of EDINBURGH.

THE Lords demurred as to the Commissaries of Edinburgh's powers to confirm testaments in inferior Commissariots during a vacancy; but found that they themselves had power in case of such vacancy to name a Commissary, and accordingly named one for Lauder. (See DICT. No. 150. p. 7432.)

* * They did the same 3d November 1742, upon the death of the Commissary of Stirling, Thomas Christie, Supplicant. (See DICT. No. 152.) p. 7433.)

1739. *December 21.*

No. 20.

CAPTAIN CHARLES CAMPBELL, and MARY CAMPBELL, *against* ELIZABETH and JEAN CAMPBELL.

THE same found (as in No. 3,) as to a power to two friends to give provisions (or rather indeed to diminish provisions settled by a contract of marriage to their children.) *Vide* MUTUAL CONTRACT.

1741. *January 27.* KING'S COLLEGE of ABERDEEN.

No. 21.

THE Court found a good many years ago, that a man having mortified a sum for a fund for certain bursaries in the College of Aberdeen, the patronage of which he gave to Sir Alexander Ramsay, and committed the trust of the money to the town of Aberdeen, to employ it on land or interest, and the town refusing to accept of the trust, that the Court came in the place of the town. The judgment is mentioned in a petition of Sir Alexander Ramsay's the patron, 23d February 1745, which I keep because of the novelty of the decision. *Vide* TRUST.

1741. *February 13.* TOWN of HAMILTON *against* The EARL of HYNDFORD.

No. 22.

SHERIFF-COURT being held for near 200 years in a burgh of Regality, (the Lord of Regality being generally also Sheriff,) though the publications

were all at the head burgh of the shire, at least of that ward, the Sheriff cannot remove the court to the said head burgh. And the Lords thought that the Sheriff, (yea and all Sheriffs,) have power over the jails and court-houses in burghs of Regality within their jurisdiction.—Adhered.

No. 22.

1741. *June 17.* BARBARA NEWLANDS *against* NEWLANDS and ROY.

No. 23.

UPON a complaint of subornation of perjury, the Lords having granted summary warrant to apprehend one Newlands, and not being found, they granted warrant to charge him to compear under the pain of rebellion and putting him to the horn; and upon a reclaiming bill, founded on the novelty and want of powers, they refused it. (See DICT. No. 69. p. 7331.)

1741. *June 23.* PROCURATOR-FISCAL of the JUSTICES of HADDINGTON.

No. 24.

HOWEVER Justices of Peace may stop building pigeon-houses, when contrary to law as a public nuisance, they are not competent judges to demolish them after they have been built and possessed many years.

1741. *July 2.* ORD and FOORD *against* ROBERTSON.

No. 25.

A BARON and his Bailie fined L.50 sterling for an oppressive imprisonment.

1742. *February 26.*

MASTER of the MINT *against* FRANCIS STUART and OTHERS.

No. 26.

SOME tradesmen who had been employed by Mr Bruce deceased, Master of the Mint, to make reparations, pursued Bothwell the present Master, who annually receives from the Crown money to pay salaries and other charges by way of imprest, and to account for payment of these reparations. We pretty unanimously found that we had no jurisdiction in the process. (See DICT. No. 71. p. 7337.)

1742. *July 24.* SKIPPERS of IRVINE *against* HAMILTON.

No. 27.

THE Lords found, at least agreed, that by the law every Judge-Ordinary may punish the importation of Irish victual by fine and imprison-