

1746. July 31. TOWN-CLERKS of EDINBURGH, Petitioners.

THE TOWN-CLERKS of Edinburgh gave in a petition, shewing, that by the want of a Dean of Guild, many inconveniencies had arisen in the town, buildings were carried on contrary to law, unfree persons kept shops and traded in the place, to the prejudice of the burgesses, and those who were entitled to have the freedom of the city could not be admitted; and therefore praying the Lords would authorise the old Dean of Guild with his Council, and failing him, the former Dean of Guild, to act as such, till a Magistracy should be established.

THE LORDS having considered the disturbance of the public police of the city, by irregular buildings and encroachments of unfree men, nominated and appointed Thomas Allan Dean of Guild, Hugh Hawthorn old Dean of Guild, David Rannie, George Gray, merchants, Samuel Neilson and Charles Mack, masons, James Heriot, wright, Dean of Guild Council before Michaelmas last, to exercise the power and office of Dean of Guild, in superintending and restraining the above abuses; and refused the representation as to the admission of burgesses.

Clerk, Forbes.

Fol. Dic. v. 3. p. 348. D. Falconer, v. 1. No 140. p. 175.

No 158.

The Court appointed a Dean of Guild and Council to act in certain respects in the city of Edinburgh.

1746. November 21. INGLIS, Petitioner.

UPON the death of Mr James Graham, Judge in the High Court of Admiralty, Mr Archibald Inglis, clerk of the said Court, applied to the Lords to appoint an interim Judge, in respect several causes were depending that could not admit of delay; and in his petition referred to the practice of appointing an interim Commissary, which, a few years ago, the Lords did upon the death of the Commissary of Lauder. But the LORDS were all of opinion, they could not grant the desire of the petition, and therefore ordered it to lie upon the table.

The power of appointing Commissaries was originally in the Court of Session, and only superceded by the supervening of Episcopacy. There was therefore no argument from that custom. *zdo*, There is no vacancy, as it is the High Admiral who is Judge of the Court of Admiralty. *Vide* the act 1681, cap. 16.

Fol. Dic. v. 3. p. 348. *Kilkerran*, (JURISDICTION.) No 5. p. 318.

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No 159.

The Court refused to appoint an interim Judge of the Court of Admiralty.