

1747. January 23.

COTTS *against* DORE.

No 75.

WHERE a burgh falls from its right of election of a magistracy, and is again restored by the Crown; found that the Lords of Session were competent Judges of wrongs done at such elections.

*Fol. Dic. v. 3. p. 343. Kilkerran, (JURISDICTION.) No 6. p. 318.*

1748. November 28.

LANG and BURGESSES of SELKIRK *against* The MAGISTRATES.

No 76.

A VERY elaborate argument, tending to shew that private burgesses have neither *title* nor *interest* to pursue their Magistrates for misapplication of the burgh revenues, is to be found in this case. (No 21. p. 2515, *voce* COMMUNITY.) THE COURT pronounced opposite judgments; but, before a final decision, the suit was compromised.

*Fol. Dic. v. 3. p. 341. Rem. Dec.*

1749. January 10.

COUTTS and COMPANY *against* RAMSAY and STEWART.

No 77.

It was found not competent to advocate a process from the Conservator's Court at Campvere; and in the reasoning the LORDS seemed to be very doubtful, whether or not in the case of the Conservator's committing iniquity, there lies any remedy; or if there did, they were not ready to say what it was; but were clear, that it lay not in the Court of Session, as they had no jurisdiction over any court not held within the kingdom.

*Fol. Dic. v. 3. p. 343. Kilkerran, (JURISDICTION.) No 8. p. 320.*

1751. January 16.

BISSET and EDWARDS *against* WALTER GROSET.

No 78.

WALTER GROSET, collector of the customs at Alloa, having employed John Murray, who had been his servant, to collect for him some part of the duties, fitted an account with him, 14th June 1740; whereby Murray acknowledged a balance as then due by him, of about L. 900 Sterling.

John Murray, with Thomas Bisset of Glenelbert and Alexander Murray of Ladywell, 3d March 1741, granted bond to the King for L. 500 Sterling, with a condition, reciting, 'That Walter Grosset, being collector at the said port, had deputed and appointed, and thereby did depute and appoint the said John Murray to act under him as his depute or clerk, with a salary of L. 20 yearly, &c. if therefore the said John Murray should faithfully attend his

An action was raised in Exchequer, upon a bond due to the Crown. The debtor gave in defences, and also brought a reduction of the bond before the Court of Session. Found, that so long as there was a dependence in