

1752. *June 30.* BURGESSES of IRVINE *against* THE MAGISTRATES.

No. 31.

THE Burgesses' title as Heritors and Burgesses to quarrel a lease by the Magistrates of their commonty sustained, in respect of their immemorial custom of pasturing there and keeping a common herd, without any other grass-mail than 6d. to the herd; though we agreed that they could not call them to account for the town's revenues.

No. 32.

1752. *June 30.*

HERITORS and BURGESSES of MUSSLBURGH *against* THE MAGISTRATES.

FOUND that the Magistrates of Mussleburgh, (a Burgh of regality,) have power to grant feus or long tacks of their commonty. (See DICT. No. 22. p. 2521.)

1752. *July 3.* BURGESSES of IRVINE *against* THE MAGISTRATES.

No. 33.

MAGISTRATES of Burghs Royal have power to grant feus or long tacks of their commonty; and the Lords thought that the 36th act, Parliament 3d, James IV. never was intended to restrain them from feuing or setting long leases of their lands or waste grounds; and if it was, that part of the act was long ago in desuetude. (See DICT. No. 23. p. 2522.)

1752. *July 8.*

TOWN of PERTH *against* ALEXANDER CLUNIE and Others.

No. 34.

BURGH ROYAL cannot by any act of Council restrain the erecting breweries in the suburbs or neighbourhood of the town, or hinder the importation of ale into the town, notwithstanding the 154th act 1592, against the exercise of crafts in suburbs, and 18th act 1535 for settling hostellaries. Barons infest *cum brueriis*, have that power within their barony. *Vide* No. 5. *supra*. (See DICT. No. 100. p. 1986.)

1752. *July 10.* MAGISTRATES of PITTENWEEM *against* CLELAND.

No. 35.

PERSONAL diligence competent against Magistrates for the town's debt. It seems also to have been here found that such personal diligence does not expire with their office of Magistracy. (See DICT. No. 17. p. 2511.)