

No 335.

To the *third* reason of suspension it is *answered*; Were the argument upon this head admitted, it would exclude the powers of the Justices of Peace entirely, as there is no ferry but what is comprehended under the boundaries of some one Admiral or another; and it is absurd to say that a grant from the Crown would exclude the legal authority of a Magistrate, who derives his right from the legislative body. And as to all these three grounds of suspension, supposing them relevant, they cannot now be pleaded, as the suspenders themselves have acknowledged the jurisdiction of the Justices, by applying to them by petition for an alteration of the regulations; and even some of the suspenders have acquiesced in these regulations, by entering and registering their names in the court-books of Leith, in terms of one of the regulations concerning pinnaces, and have also exacted the *rod.* of freight. Surely, had they meant to call in question the validity of the regulations, they ought to have rejected the whole, and not have laid hold of such part as makes for their private interest.

The bill of suspension was refused as to the point of jurisdiction, but passed singly with regard to the merits on the two regulations in question; and the regulations continued in the mean time.

*Fol. Dic. v. 3. p. 358. Fac. Col. No 190. p. 118.*

1777. March 11.

HALL against ROBERTSON.

No 336.

THE Justices of Berwickshire made an act at their Quarter Sessions, declaring, that, as by the alteration of the stile, the Quarter Sessions appointed to be held by statute, on the first Tuesday of March, and first Tuesday of August, fall within the time of sitting of the Court of Session, whereby they are deprived of the attendance of many of their members; therefore, they resolved, that the said Quarter Sessions shall always be adjourned to the last Tuesdays of March and August. An alteration of a high road being proposed, and agreed to by a majority of those present at a regular statutable meeting, on the 2d August, and, in consequence, begun to be executed; a dissenting member brought a suspension of those proceedings, as contrary to the act and resolution respecting the adjourning of the Quarter Sessions to the last Tuesdays of March and August. THE LORDS were of opinion, that the Justices had no power to adjourn the Quarter Sessions, which were fixed by statute; and they found the letters orderly proceeded, and expenses due to the charger.

*Fol. Dic. v. 3. p. 356.*