

No 379. ' points the complainers to give public intimation of the appointment of said
' meeting by advertising the same.' See MEMBER OF PARLIAMENT.

Reporter, *Alva*.

Clerk of the bills.

Fol. Dic. v. 3. p. 359. Fac. Col, No 42. p. 112.

DIVISION XVII.

Town Council of Burgh, and Bailie Court.—Burgh of Barony.

1663. *June 18.*

FRANCIS HAMILTON *against* MITCHEL and KEITH.

No 380.

SIR ALEXANDER KEITH of Ludquharn being obliged by bond to Robert Mitchel in Leith, for the price of certain bolls of victual, was arrested in Leith, till he found Francis Hamilton cautioner as law will; and both being pursued on the act, raised advocation on this reason, that the Bailies of Leith had unjustly forced him to find caution as law will; he not being dwelling in Leith, and Leith not being a burgh royal, but a burgh of barony. It was *answered*, That the privilege and custom of the town of Edinburgh, was to arrest within Leith, and all other privileges and pendicles thereof.

THE LORDS found that it behoved to be condescended, in what place of Leith Ludquharn was arrested; for the Pier of Leith was a part of the burgh royal of Edinburgh, and was served by a Bailie of Edinburgh, called the Water Bailie, and if he was arrested there, it was valid; but the rest of Leith is but a burgh of barony, and in that part thereof, the Bailie is called Baron Bailie, it were not valid.

Stair, v. 1. p. 192.

No 381.

1677. *February 22.*

LAW *against* DICK.

For what
kind of debts
Magistrates
may sum-
marily arrest,
till caution
be found.

JOHN LAW having sold to Robert Dick a bargain of bear, which befel to John, as a part of his father's stipend, he having found Robert Dick in Edinburgh, arrested him till he found caution to answer as law will, for payment of the victual. Dick gave in a bill of suspension, on this reason, that by the act of Parliament anent the privilege of royal borrows, they are prohibited to ar-