

1668. *January 14.*

The BAILIE of the Regality of KILLIMURE *against* BURGH of KILLIMURE.

No 7.

THE heritable Bailie of the regality of Killimure having convened, and amerced persons in the burgh; they suspend on this reason, that the burgh being a burgh of regality, having its own magistrates, inhabitants are only liable to the jurisdiction. It was *answered*, That the burgh's jurisdiction being granted by the Lord of regality, is only cumulative, and not exclusive of the Lord of regality, or his Bailie; in the same way, as the jurisdiction of all vassals is not exclusive of their superior's jurisdiction; for the burgh are vassals holding of him; and therefore *est locus præventioni*, and the first citation, without negligence, is preferable.

Which the LORDS found relevant.

Fol. Dic. v. 1. p. 492. Stair, v. 1. p. 505.

. Dirleton reports this case :

1668. *January 15.*—A DECREE at the Procurator Fiscal's instance of the regality of Abernethie before the Bailie of the regality, against the Weavers in the town of Abernethie, for contravening the act 43d Parliament 1661, anent the breadth and bleaching of linen cloth, was suspended upon that reason, that the Bailies within the town of Abernethie, were only judges competent to the inhabitants within the burgh.

THE LORDS found, that the town being only a burgh of regality, had jurisdiction within the same; and the Bailies' jurisdiction is cumulative and not privative, unless they had it expressly by their infestment privative, and that in such cases *locus est præventioni*.

Dirleton, No 131. p. 54.

1673. *February 15.*

The LAIRD of CRAIGIVAR *against* The VASSALS of LINDORES.

No 8.

THE Laird of Craigivar being heritable Bailie of the regality of Lindores, beyond the Kairn of Mount, pursues the vassals for the fines of the head courts, from which they were absent; they having *alleged* that Craigivar having disposed their lands to them, to be holden of the King for all right that he had, and they being now the King's vassals, they were thereby exempted from the regality, as effectually as if he had renounced the right of regality as to their lands, or given them right to be Bailies of regality as to their own lands.