

No. 4. 1735, July 23. JOHNSTON, &c. *against* MAGISTRATES of EDINBURGH.

THE Lords adhered to their former interlocutor sustaining the pursuer's title to pursue reduction.

No. 5. 1736, Jan. 31. M'DONALD, &c. *against* GOVERNOR of FORT-WILLIAM.

THE Lords found that there was here no incorporation, but that each inhabitant might declare his own rights and privileges; and found that the Governor having neither property nor superiority could not restrain the inhabitants from brewing, importing or selling vivers.

No. 6. 1736, July 7. CANDLEMAKERS of EDINBURGH *against* MAGISTRATES.

THE Lords refused the Candlemakers' petition unanimously, but appointed a Committee of their own number to meet with the Magistrates, and hear any just cause of complaint the Candlemakers might have against the regulation.

No. 7. 1736, July 16. NICOL *against* GROSETT.

THE Lords sustained the reason of suspension that the suspender had renounced 40 days before Whitsunday. What moved most of them was, that there was no evidence by judicial proceedings of the custom of the burgh to renounce before Candlemas. We all agreed that as to the form of warning in burgh, the custom of the burgh, and not Queen Mary's act is the rule; but several doubted whether the act was not the rule as to the time.

No. 8. 1737, Jan. 26. MERCHANT COMPANY of EDINBURGH *against* ROO.

THE Lords refused the bill and adhered.

No. 9. 1738, Feb. 1. MAGISTRATES of JEDBURGH, *Competing*.

THE question was upon the import of the act 7th Geo. II. anent a minority separating from a majority of the Council at an annual election: Whether Haswell and the others of his side separating from the rest on the 15th September fell under the act, and consequently voided Haswell's own election, and even inferred a large penalty on each of them? The Lords found it fell not under it, and therefore repelled that objection to Haswell's election, unanimously except Kilkerran.

No. 10. 1738, Dec. 13. GORDON *against* BAILIES of ANNAN.

GORDON being on briefs from Chancery served before the Steward of Kirkcudbright heir in some tenements in Annan held burgage, upon the retour obtained a precept from the Chancery to the Magistrates to infest him, which they refused, and instruments were hereon taken,—and Gordon presented before me as Ordinary on the bills, a bill for a war-