

No. 10. place of the Bailies, which the Lords refused, because of the act James VI., Parl. I, that sasines within Burgh be given by the Bailies and common clerk; but upon a new petition, they granted letters of horning against the Bailies to infest him. See SASINE.

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1739. July. KING'S ADVOCATE *against* SMITH in Annan.

No. 11.

ONE's being the son of a burghess, having tenements in Burgh, enjoying the privileges as a burghess, and being chosen one of the Councillors of the Burgh, no sufficient evidence of his being a burghess, to increase the penalty of a clandestine marriage.

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1740. Feb. 2, 22. LORD BRACO *against* TOWN of BANFF.

No. 12.

The Magistrates of a Burgh having received resignation *in favorem*, and refusing to infest, were ordained to answer a complaint summarily, and upon their answers it appearing that they had received resignation, horning was granted to charge them to receive the purchaser; though the Lords doubted, if they had not received the resignation, whether summary horning could have been granted. See No. 10..

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1740. December 12. ELECTION of HADDINGTON.

No. 13.

THE Council of Haddington having made a sort of double election at Michaelmas 1739, and the minority having raised a process for declaring their own, and voiding the election made by the majority, which they have kept still in dependance, and some of them being still members of Council, (viz. eight,) though the rest were none of the Council in possession for the year 1740; yet at Michaelmas 1740, they all met at the ordinary place with the rest of the Council in possession, and these eight with their adherents chose a different set of Magistrates from those chosen by the Council in possession, that is the majority of them; yet these eight were found not to be within the act 7th Geo. II., nor to have incurred the penalties in that act.