

1746. July 1. JEAN DENHOLM, *Petitioner.*

No. 34.

THERE having been a long vacancy in the Magistracy of Edinburgh, through the rebels possessing themselves of the town before Michaelmas 1745, the Lords, upon the petition of Jean Denholm, relict of Stewart of Ballachtoul, authorized Bailie Hamilton, one of the Bailies for last year, to receive resignation, and to give the petitioner infestment, though some doubted of our powers. (See DICT. No. 155. p. 7435.)

1746. July 16. SCOTT of Brotherton *against* FULLERTON of Galary, &c.

No. 35.

THOUGH the Session when they decree *ad factum præstandum* may ordain the defenders to perform under a penalty, yet many of the Lords thought we could not appoint penalties for future transgressions of the law other than what the law has appointed; and therefore, though we ordered Brotherton to alter his cruives and cruive-dike, in terms of our interlocutor, under L.50 penalty, yet we refused to appoint penalties for future transgressions. Yet afterwards we altered, and found that proper penalties ought to be appointed also for these, and remitted to the Ordinary to hear parties what these penalties should be. (See DICT. No. 11. p. 14264.)

* * And we found that even a Baron Bailie had that power, and therefore the Bailie having fined one for cutting wood, and ordered him to find caution not to molest the pursuer, or cut any more of his woods in that place under the penalty of L.100 Scots, we refused a suspension of the decree.—9th July 1746, Minister of Luss against Colquhoun.

1746. July 31. JAMES BRAIDWOOD, *Petitioner.*

No. 36.

THE Lords, some weeks ago, on the petition of one Beugo, authorized one of the old Bailies, as Bailie, to complete the steps necessary to give Beugo the benefit of the act 1696 in favour of insolvent debtors, which had been begun in August or September 1745; and this day, on the petition of James Braidwood, they authorized Bailie Gavin Hamilton, and two or three more, or any one of them, to execute that act, and give insolvent debtors the benefit of it. (See DICT. No. 157. p. 7486.)