

there may be few worthy to be chosen, and in great Burghs a forced Alteration of the Magistrates, might some times tend to the prejudice of the Burgh. By the Civil law, *Quis cogi potest ad suscipiendum Munus Republice* l. i. ff. de Cur. Bruneman Comment ad d. ff. de offic. prof. urbi n. 5. By the law of Scotland they who refuse to accept offices within Burghs, are punishable by losing their Burghs Ships; and may also be compelled to accept arg. act 3. sess. 3. Parl. 1. Ch. 2. Melhous observ. on d. act 3. But no officer within Burgh as Alderman Bailie or other, can be forced to continue in office longer than one year act 30. Parl. J. 3. 2. January 1668. Wilson contra Magistrates of Luss and ferry.

None should have Jurisdiction within Burghs but such as use Merchandise there act 30. Parl. 6. J. 1. Which law some will have to be satisfied by calling a person to the Magistrates who had once traded, tho' he had then given over such Business, as some Baro Jemper of Baro Melhous observ. on d. act 30. Ch. 2. Nobility having ordinarily got their Children friends or servants Elected Magistrates of Burghs, whereby they carried all things at their pleasure in the Parliament of Scotland, it was ordained that no man should be capable of any office of Magistracy within Burghs, except Merchants and actual Craftsmen dwelling within the Burgh, as a Mean to preserve its liberties and privileges, and to hinder Dissipation of its common goods act 3. Parl. 20. J. 6. Some of the Burrows of Scotland are Royal, some Burrows of Regality, and some Burghs of Baronie. Concerning which two last sort Mention is made in the proper places.

All Royal Burrows are holden Immediately of the King, either fully and In full Right, or in quantum Concerns the privileges of a Burrow Royal, and the Manner of their holding is in libero Burgagio,

for payment of a Certain Burrow Mail to the King, whereof count and payment is made yearly to the Exchequer Hoys Mun. prat. G. Inferior Jurisdiction § 234.

No Burrows but Royal Burrows only have voice in Parliament. Before the Union of the two Kingdoms every Royal Burgh sent one and Edinburgh sent two Commissioners to the Parliament, whereof one by the 1st (the Decret. Arbitral of King James 6. Resolving all Differences betwixt Merchants and Craftsmen in Edinburgh) behaved to be a Craftsman Burgh and guild brother of the Burgh. But now when the United Kingdom is Represented by one and the same Parliament, called the Parliament of Great Britain, consisting of a house of Peers and a house of Commons, all the Royal Burghs in Scotland are now Represented in the house of Commons by 15 Commissioners called the Citizens and Burghs. The town of Edinburgh is privileged to Elect and send a Representative for it self to the Parliament, and all the Rest of the Particular Burghs are Divided in 14 Clases or Districts, whereof every District hath Right to Elect and send but one Member to the house of Commons.

Every Royal Burgh hath its own Common goods, or Commonlands pertaining thereto in Common betwixt the King in free Burgage quoad the whole body of the town. But if any particular person acquire here table Right of these common lands from the town, they are not holden of the King in free Burgage, but of the town in feu Hoysid. § 235.

Burrows Royal have this privilege that they may Cognosce and send heir to tenements of land within Burgh brevi Manu, without service or return, and Enter the heirs and give them saine by heip and Steple, which gives the heirs so seized Right to the tenements, but doth not verify them to be heirs.