

viz. Edinburgh, Stirling, Aberdeen, Haddington &c.  
 But Magistrates of a Burgh by being Sheriffs with  
 themselves have not a privative Jurisdiction that  
 makes the Sheriff of the shire, but are only Cumulative  
 Judges. For Burgesses of such a Burgh, may be Con-  
 veyed by their Conceits, not only before the Magistrate  
 of the Burgh, but also before the Sheriff of the shire  
 31 July, 1632 M. Lornoch contra Johnstone.

The Right of an honorable Bailie of an Ecclesi-  
 astical Regality Infeft before the Reformation in full  
 Jurisdiction Civil and Criminal with a power to take  
 Pledge, and Apply the Amerciaments and Casualties  
 to the own behoof; was found not to be Derogated from  
 or to suffer prejudice by the Kings Erecting apart  
 of that Regality in a Burgh Royal, with power of  
 leading and hanging and all Jurisdiction, Unless the  
 Bailies Right had been Exacted by Prescription  
 27 Feb. 1666 Lord Polvil contra John of Pulroffs.

The Judgement and Jurisdiction of the Dean of  
 Guilds is Distinct and a several Judicature from the  
 court and Jurisdiction of the Provost and Bailies, altho  
 the Dean of Guilds be an officer and Magistrate of  
 the same Burgh. Nor is the one a Judicature subalter-  
 to the other 21 July, 1631 Deamfor contra Master of  
 town.

The Magistrates of the City or Burrough with  
 a Perant court is held are bound to attend the Judge  
 during their absence there & A. cap. 1655.

Sect. 7.  
 What things are Common to Sheriffs,  
 Sheriffs, Bailies of Royalty and Regal-  
 lity, and Magistrates of Burghs.

Their offices are of a Composite Nature being  
 in some cases Ministerial, and in some Judicial.

Sheriffs, Stewards Bailies of Royalty and Regality,  
 and Magistrates of Burghs (who have both a Civil and  
 Criminal Jurisdiction, and whose Courts are courts of Record,  
 whereon writs may be Registered) are to show themselves  
 Active in Apprehending and punishing forners, strong  
 Vagabonds and Beggars going under the Name of Egyptians  
 act 21 Parl. 6 J. 2 act 124 Parl. 12 J. 6. For stallions act 21 Parl.  
 4 J. 5 and Destroyers of plantings act 84 Parl. 6 J. 6.

They punish Riots and Breaches of the peace, Execute  
 the laws against profaneness and Immorality, Unlawful  
 gaming, and many other personal Statutes falling Under their  
 Cognizance, which it were tedious to set for the. But they  
 cannot judge treason or any of the four pleas of the Crown,  
 viz. Murder wilful Murdering Robbery and Ravishing  
 of Women; which can only be tried before the Court of  
 Justiciary. And tho they are competent by law (act 73.  
 Parl. 9 J. M.) to Judge Witchcraft, Yet do praei that Crime  
 hitherto hath been tried only before the Court of Justi-  
 ciary, or such as had commissions from the Privy Council  
 for that Effect, as was done in the case of the Western  
 witches at Paisley.

They are not only by law, but by the Nature and  
 duty of their office, obliged to Execute the laws against Ran-  
 tomers of his Majesties Authority, and for failing in Di-  
 ligence are liable to Underly the law as such act 15 Sept. 3 Parl.  
 1 Ch. 2. The said Judges have heard Burghs where they  
 hold their Courts and where all letters must be Executed  
 and Registered. They should hold three head courts in the  
 Year, viz. upon the first Tuesday after the 14 of January,  
 the first Tuesday after Law Sunday, and the first Tuesday  
 after Michaelmas: where such as are suit and persons  
 must compare personally or be Unlawful, and such as  
 are suit only must send their suitors act 21 Parl. 6  
 J. 5. The Unlawful Warranted to be Impressed for absence  
 from such head courts, cannot Exceed ten pound when  
 he is absent on act 130 Parl. 9 J. 1.

Brown