

JURISDICTION.

1733. November 15. A. against B.

No. 1.

SESSION competent to suspend a decret upon a riot or battery ; yet in summer 1733, they found themselves not competent to suspend a Justice of Peace decret for theft ; and some thought they could not have suspended this had the trial been by Jury.

1734. January 10.

HAY of Strowie *against* The CREDITORS of SIMPSON.

No. 2.

THE town of Kirkcaldy acquired the Bailyary of Regality so far as extended to the limits of the town, from Earl Dunfermline, heritable Bailie of Dunfermline, and got a charter of resignation from the Crown, and a confirmation in Parliament. Found that thereby the town is not dissolved from the Regality, only the town are heritable Bailies in it ; and sustained an objection to an inhibition against an inhabitant of the town, that it was not executed at Dunfermline, the head burgh of Regality, but at Cupar, the head burgh of the shire ; and repelled the answer of *communis error*. *Vide inter eosdem voce* INHIBITION.

1734. February 19.

CORSAN and RAE *against* MAXWELL and M'GOWAN.

No. 3.

POWER given to certain friends to mitigate a provision given to a sister ; that power, on their neglecting or declining, does not devolve on the Court of Session *tanquam boni viri*. *Vide ARBITRIUM BONI VIRI*.