

1687. The MAGISTRATES of EDINBURGH *against* The COLLEGE of JUSTICE.

*January 14.*—SOME advocates and writers having given in a bill of suspension against John Hunter, collector of the King's cess in Edinburgh, ALLEGING,—That, by old exemptions from the Pope, at the institution of the College of Justice, and by the 153d Act 1592, and 275th Act 1597, they were free of all taxations; and, by the 23d Act 1661, all their privileges were ratified: ANSWERED for the Town,—The old exemptions, in 1547, were only temporary, granted by the Duke of Chattelherauld, then governor to Queen Mary in her minority; and he could give no more: and the posterior Acts of Parliament, exeming none but the Lords of Session, derogated from all former ones. *2do*, They complained that the Magistrates and the Stent-masters were free of stent. *3tio*, That themselves were overburdened.

The Lords, on Kemnay's report, found all the College of Justice (except the Lords,) liable to pay cess; and that Magistrates were free, in remuneration of their pains and trouble, by King James VI.'s sett, or decreet-arbitral, in 1583; as also the Stent-masters, by immemorial custom. And if there was any inequality, by imposing more on the rents and houses of the members of the Session than others, and if they had not the customary deduction and allowance of 20 *per cent.*, (wherever they gave up their true rent,) the Lords ordained it to be redressed and rectified.

They pretended also, that the incorporation's lands were free of cess; but they were not: and that the Town's common good was not stented; but what lies in the shire pays with it, and their imposts on wine and ale are casual.—Yet they may be as well valued as one's trade is. *Vide* the rest of this affair, 23d February 1687. *Vol. I. Page 440.*

*February 23.*—The College of Justice's declarator against the Town of Edinburgh, of their several privileges and exemptions from annuities, impositions at the ports, and Leith harbour, and causeway maills, was this afternoon advised. Two points were left undecided; the one, as to the Town's criminal jurisdiction over the members in case of riots; the second, how far tradesmen could hinder the Session to bring within the Town and employ unfreemen, as tailors, masons, &c.; for which instances were brought on both sides.

The interlocutor is long, and needs not be here inserted, because it is printed by way of Act of Sederunt.

What the Town gained, was, it determined who were members of the Session; which cut off many pretenders. *Vol. I. Page 449.*

1684 and 1687. The COUNTESS of WEYMSS *against* MACKENZIE of APPLECROSS.

See the prior and posterior parts of the report of this case, in the Index to the Decisions.

1684. *December 18.*—IN the Lady Wemys and Applecross's cause, mentioned 3d December, the Chancellor openly rebuked Applecross at the bar,