

1683. *February 9.* The BAXTERS of CANONGATE *against* The MAGISTRATES of EDINBURGH.

THE bill of suspension presented by the Baxters of the Canongate against the Magistrates of Edinburgh, for fining each of them in £10 Scots, for importing bad, light, and insufficient bread, on the market-days, to Edinburgh, being reported by Forret; the Lords found the Magistrates had power, not only by the Act of Privy Council in 1609, and their own Act in 1649, but also by the Lords of Session's allowance, and immemorial possession, to cognosce and try the weight and sufficiency of all bread, though imported from the Canongate or elsewhere, (though, in the places where it was baked, they had their own deaconries, or a different standard of weight,) and found they had done them no wrong: but ordained them to be set at liberty out of prison, on consigning their fines in the Clerk of Session's hands; and ordained four of their number to meet and confer with the Magistrates anent the regulation of the bread-market in time coming, both as to weight, fineness, and price. *Vol. I. Page 216.*

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1683. *February 13.* SIR WILLIAM KER *against* SIR WILLIAM BENNET, CHARLES MURRAY, &c.

THE process betwixt Sir William Ker and Sir William Bennet of Grubet, Charles Murray of Haldane, and Others, anent the debatable lands on the borders between Scotland and England, being advised; the Lords found the King and Sir William Ker, his donatar, had the right of property; but that prescription might also run against his Majesty; and therefore found that the neighbouring gentlemen, having conterminous and adjacent lands, might prescribe, by forty years' possession, a right of commonty, and a servitude of pasturage through the same. *Vol. I. Page 217.*

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1683. MARGARET PEACOCK *against* DAVID PEACOCK.

*February 3.*—DAVID Peacock's service, as heir to Andrew his father, being advocated from the Bailies of the Canongate, to the macers, and three Lords being adjoined as assessors; and Margaret Peacock, relict of James Sands, her service, as heir to the said Andrew her cousin, who died in Dantzick in 1657, being produced to stop David:

The Lords repel the documents adduced for proving and instructing that David was Andrew's son, *viz.* a testificate from two burghers in Dantzick; because it was not taken by the magistrates of the place, nor at David's desire, nor bore that he was present, but that he was at Vidavia, in Poland, near 300 miles distant, &c. And, in regard that it looked suspicious that they were only