

1741. *June 30.*

EARL of HOME, SIR JOHN BAIRD, and other JUSTICES of the PEACE of the Shire of Berwick *against* SIR ROBERT PRINGLE, and Others.

No 319.

FOUND, that the head burgh of the shire is the place where the Justices of the Peace ought to hold their quarterly courts or sessions, and that the Justices could not appoint their sessions to be held at any other place, although there is no special statute for that effect.

Fol. Dic. v. 3. p. 359. Kilkerran, (JURISDICTION, &c.) No 2. p. 308.

*** Lord Kames reports this case :

1741. *July.*

By the 38th act 1661, the Justices of the Peace, among other instructions to them, are required 'to meet and convene together four times in the year, viz. the first Tuesday of May, the first Tuesday of August, the last Tuesday of October, and the first Tuesday of March.' And, it is declared, 'That they shall have power to continue the said sessions, or to adjourn the same to such days and place as shall be most convenient.' Some of the Justices of the Peace of Berwickshire, judging Greenlaw, the head burgh of the shire, to be an inconvenient place for their meetings, did, at an adjournment of the quarter-sessions, make a regulation in the form of a resolve, as follows; 'They resolve, that for hereafter, they will hold their quarterly sessions, and other intermediate meetings in Dunse, excepting when occasionally their affairs render it proper for them to meet at some other place; and appoint the constables to notify this resolution to all the people of the country, by publishing the same at every kirk-door of the county, on the second Sunday of June after the forenoon's sermon.'

The other Justices apprehending that this regulation was beyond the power of the Justices, brought it under review by suspension; in which they *urged*, that the head burgh of the shire is, by common law, the place where all courts are to be held, unless the contrary be specified; and that this is supposed in the statute 1661, naming the days of meeting, but saying nothing of the place, leaving that to the regulation of the common law.

'THE LORDS suspended the regulation *simpliciter*.'

Rem. Dec. v. 2. No 21. p. 36.

1747. *July 17.*RAMSAY *against* ADDERTON.

No 320.

A COMPLAINT against a custom house officer, for an improper seizure of foreign spirits, being brought before the Justices, who decerned for restitution of