

out prejudice to the Commissary to hold courts *pro re nata*, upon any extraordinary emergency, at any place within the commissariat.

No 297.

The judgment proceeded chiefly upon the general reasoning, that the immemorial custom of holding the Commissary Courts only at Lanark, presumed an original constitution; but as there was also produced an old decree in absence, to the like purpose, at the instance of the town of Lanark, this judgment is the weaker on the general point. It seems unreasonable, that, especially in a wide commissariat, a depute may not be established for the convenience of places remote from the principal seat of the Commissary.

*Fol. Dic. v. 1. p. 506. Kilkerran, (JURISDICTION.) No 1. p. 301.*

\*.\* See Div. 2. Sect. 3. *b. t.*

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DIVISION IX.

Dean of Guild Court.

1631. July 21. ADAMSON *against* MASTERTON.

No 298.

THOUGH the Dean of Guild be an officer and Magistrate of the same burgh, yet his jurisdiction and Court is distinct, and not subordinate to the Bailie court.

*Fol. Dic. v. 1. p. 507. Durie. Spottiswood.*

\*.\* This case is No 198. p. 7483.

1743. June 3.

BURGH and INHABITANTS of the Canongate *against* The TOWN of Edinburgh.

No 299.

THE LORDS found, that the Dean of Guild of Edinburgh *qua* such, has no jurisdiction over the Canongate; but having considered the act of Parl. 1698, c. 8. found that the Dean of Guild of Edinburgh and his council, have the only right to grant jedge and warrant for new buildings in the Canongate; and that they may grant the same within the town of Edinburgh.

*Fol. Dic. v. 3. p. 355. Kilkerran, (JURISDICTION.) No 1. p. 305.*