

No 168.

to authorise the common clerk of the burgh to be notary to such resignations and infeftments.

In support of this application, instances were given of persons authorised by the Court to officiate as commissaries *pro tempore* during the vacancy of the office. The election of Magistrates and Councillors for the city of Edinburgh, at Michaelmas 1745, having been obstructed by the rebellion, the Court, *anno* 1746, granted commission to the persons who had been Bailies the year preceding to receive resignations and grant infeftments of burgage tenements. And the double election of the burgh of Linlithgow being reduced, the Court, December 1755, granted warrant and commission to those who had been Bailies the year preceding, ' for receiving resignations and giving infeftments of burgage tenements, until Bailies be regularly established ; and authorised the common clerk of the burgh to be notary to all such deeds ; and ordained instruments of sasine to be recorded, either in his prothocal, or in the register of sasines within the burgh ; and allowed the warrant to be extracted without abiding the course of the minute-book.'

The desire of the present petition was granted in the same terms.

*Sel. Dec. No 184. p. 249.*

\* \* \* See No 155. p. 7435. and the three cases which follow it.

No 169.

A man was authorised by the Court of Session to change his name, in order to succeed to an estate.

1764. *January 20.*

JOHN MUIR, Supplicant.

AN estate being disposed to John Muir writer to the signet, upon this condition, That he assume and use the surname of *Chalmer* in all time after, he applied by petition to the Court of Session, setting forth, that being a clerk to the signet, an agent in the Court of Session, and a notary-public, he could not alter his subscription without their Lordships special authority ; and, therefore, praying their authority to that end.

' THE LORDS allowed and authorised the petitioner to change his name, and to act under the name of *Chalmer* in the several capacities above mentioned.'

*Sel. Dec. No 212. p. 278.*

1765. *August 9.*MERCHANT COMPANY and TRADES of EDINBURGH *against* MAGISTRATES.

No 170.

The Founder of an Hospital appointed certain official persons to interpret the regulations he had

GEORGE HERIOT, founder of the hospital of that name in Edinburgh, having, by his will, given power to Walter Balcanqual, Dean of Rochester, to establish statutes for the administration of the hospital, ordained, *inter alia*, ' That the Chancellor, the two Archbishops, the Lord President of the College of Justice, his Majesty's Advocate for the time being, shall have full power to interpret the same, and to determine all controversies arising about the interpretation ;