

1752. *December 26.*

No. 38.

MAGISTRATES of EDINBURGH *against* Sir ROBERT MYRETON.

WINE imported into Edinburgh for private use, as well as imported for sale, and wine imported from Dalkeith and Prestonpans for private use, as well as what is imported from Leith, found liable for the Town of Edinburgh's impost, (excepting always the privileges of the College of Justice;) and some wine imported for Sir Robert Myreton's use from Dalkeith being seized and condemned, which sentence Sir Robert suspended; we repelled the reasons of suspension. (See DICT. No. 69. p. 1940.)

1754. *January 11.*

ELECTION of CULROSS.

No. 39.
Complaint for
bribery and cor-
ruption.

COLONEL COCHRAN complained of the last election in the Burgh of Culross as brought about by bribery and corruption, and charged 12 persons with having been so corrupted by Colonel Haldane and his friends; though he could not before the proof condescend on the particular bribes given, or the time and place; but in general that they were given before the election, to vote for such persons as would support Colonel Haldane; only he condescended on a bond for L.400 to the town, deposited in the hands of John Erskine, Balgounie; though he did not know whether that bond was not afterwards given up, and the Colonel's word of honour relied on. The complaint was laid on the acts of the 2d and 16th of Geo. II. and concluded for L.500 sterling fine against each, and for voiding their election. And the complaint being by our warrant served on 30 days; the respondents objected that it did not lye on the act 2d Geo. II. for that it was not charged to be committed at their election to Parliament; *2do*, That act gives no authority for summary complaints, the words being, "summary action or complaint;" *3tio*, No action for the penalty on the act 16th Geo. II., because, though it extends the act 2d Geo. II. to election of delegates, yet it cannot yet appear whether any of the respondents shall ever be electors of delegates; *4to*, Still the trial must be by ordinary action in terms of the 2d Geo. II.; *5to*, No process on the act 16th Geo. II. because not done at the election; *6to*, Bribery not relevant to reduce the election, but only to punish the electors; and *7mo*, Not relevant without condescending on the particular act of bribery. We repelled all these processes, and pronounced an act before answer; because, though it does

not yet appear whether the respondents shall be electors of delegates, yet that may be cleared before advising the proof; and though the acts of bribery were laid in general, yet as one particular was charged, that must go to proof, and we thought we could not well refuse a proof at same time of the rest.

No 39.

1754. February 27. GLASS *against* MAGISTRATES of ST ANDREWS.

No. 40.

THE last annual election was finished 8th October, but three Councillors declining to accept, 15 or 16 of the Council, without summoning the whole Council *pro re nata*, chose three new Councillors, not of the old Council of the preceding year, but of other Guild Brethren; for which Glass and others presented a complaint, 18th December. Answered: Not competent, because no complaint in two calendar months from the annual election, which was finished 8th October; *2do*, *Non relevat*, because the annual election being finished, the filling up of the Council is an act of ordinary administration, and the act 16th Geo. II. respects only wrongs done at the annual election. We unanimously sustained the first defence, and dismissed the complaint; and the most part of the Court seemed also of opinion for the second, but we did not decide it. (See Dict. No. 21. p. 1875.)

See Leith and Leslie against Magistrates of Aberdeen, December 16, 1748, *voce* PUBLIC POLICE.

See Thomson, Minister of Dunfermline, against Heritors, June 19, 1750, *voce* MANSE.

See Burgh of Wick, July 27, 1743, *voce* PUBLIC POLICE.

See Town of Canongate against Magistrates of Edinburgh, July 23, 1735, *voce* PUBLIC POLICE.

See COMMISSIONER of SUPPLY.

See NOTES.