

' THE LORDS sustained the objection ; and found, that the persons complain-  
ed of being under the age 21, could not vote.' See MINOR.

No 12.

Act. *Montgomery et Burnet.*  
*J. Campbell.*

Alt. *M<sup>c</sup>Queen et Lockhart.* Clerk, *Pringle.*  
*Fol. Dic. v. 3. p. 99. Fac. Col. No 14. p. 24.*

1776. December 13. FOTHERINGHAM against LANGLANDS.

Two burgesses of Brechin pursued a reduction of an election of the deacon and treasurer of the hammermen, and declarator that they themselves had been elected by a fair majority to those offices ; and, in support of the plea, urged the immemorial usage of the burgh, by which the same person might be a member of different corporations ; thus it was *alleged*, That a slater and butcher were members of the corporation of glovers ; a weaver, a shoemaker, a wright, and a carter, were members of the corporation of bakers ; and a writer was a member of the corporation of taylors ; and it was urged, that unless this practice were allowed, some of the corporations would be extinct.—THE LORDS were of opinion, That the practice was most irregular, therefore repelled the reasons of reduction, and assolizied from the declarator.

No 13.  
Found to be irregular, that the same person should be a member of different corporations.

*Fol. Dic. v. 3. p. 99.*

1778. August 7.

JOHN DALRYMPLE, and Others, against JAMES STODART, and Others.

THERE are 14 incorporations in the town of Edinburgh, who have each a deacon chosen annually by the craftsmen. Out of these deacons, six are chosen by the old council into the new, and vote in all questions as a part of it. The other eight, who are called extraordinary deacons, have only a vote in electing the magistrates, and certain other matters.

The incorporations, in electing their deacons, are each obliged to give in a leet of six persons to the town-council, from which a leet of three is sent back to them by the council, out of which the deacon must be chosen.

This restraint on the freedom of their choice had, on former occasions, been complained of as a grievance. In 1777, Mr Stodart, then a counsellor, moved in council, ' That the magistrates and town-council should make an application to the Convention of the royal burghs, to alter, by their authority, this part of the set ; and to declare, that each incorporation of the city shall be at liberty to elect a deacon yearly, in time coming, from any of their own freemen, in a free election, without any controul by having their leets shortened by the town-council.'

No 14.  
The Convention has no power to make alterations on the set of a burgh. See No 4. p. 1839.