

1753. *December 5.*

LORD LYON'S CASE.

No. 59.

ON report of Lord Shewalton, the Lords passed a bill of inhibition against a Member of Parliament, (Lord Lyon.) Some thought we were not bound to know who were Members of Parliament. Others thought that prohibitory diligence could be no breach of privilege; but I doubted of both.

1753. *December 20.*

M'KENZIE of Highfield, and M'LEOD of Cadboll, *against* SIR JOHN GORDON, &c.

No. 60.

IN Cromarty there has been no Michaelmas Head-Court since the act 16th Geo. II. in 1743, and there are but five freeholders on the roll, Sir John Gordon, his brother Charles, his brother-in-law Leonard Urquhart, his cousin Gordon of Ardoch, and M'Leod of Cadboll, who does not qualify. M'Kenzie of Highfield in due time lodged his claim for being admitted on the roll at last Michaelmas, and also lodged objections both in his own name and Cadboll's, against the other four on the roll. At the day Cadboll came not to the town, and the other four, though in the town, would not go to the place of meeting; and the Sheriff-clerk, though required by Highfield, neither could nor would constitute a meeting; and thereupon Highfield entered his complaint before us, which was served on 30 days in common form. And upon answers and a hearing in presence, we found the complaint not competent, and dismissed it. We thought it a very great abuse, but we agreed that it was not within the act 16th Geo. II., and therefore not competent in this form. *2do*, Though it were competent, most of us thought we could give no relief, that we could neither fine the freeholders for non-attendance, nor put the petitioner on the roll, nor expunge any of the other four, till the freeholders had first given their judgment. (See DICT. No. 202. p. 8880.)

1754. *January 3.* MAJOR CUNNINGHAM *against* ———.

No. 61.

MAJOR CUNNINGHAM complained that the freeholders had refused to enrol him. He had got a disposition of his lands with procuratory and precept *a me* or *de me*, and was infeft on that precept; and thereafter he executed the procuratory and got a charter of resignation containing a confirmation of his former infeftment, and was infeft on that charter; and as his

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