

the freeholders did wrong, in admitting Captain Alexander Reid upon the roll of freeholders, and ordained the Sheriff-clerk to expunge his name from said roll."

N. B. This judgment was reversed upon an appeal.

For Douglas, *John Swinton, junior, & Andrew Crosbie, &c.*

For Captain Reid, *Alex. Lockhart, & A. Elphinstone, &c.*

A. E.

*Fac. Col. No p. 126.*

1773. June 24.

Colonel CHARLES CAMPBELL of Barbreck *against* JAMES M'NEIL of Kilmory, and JAMES M'CONOCHIE of Ambriesbeg, two of the Freeholders of the Shire of Bute.

COLONEL CAMPBELL of Barbreck lodged a claim for being enrolled as a freeholder in the county of Bute at Michaelmas 1772. It happened that no more than two of the freeholders attended at the hour of meeting, viz. Messrs M'Neil and M'Conochie, who proceeded to business; and, although Colonel Campbell's claim was moved to them by the clerk to the meeting, they shifted off its cognizance, and proceeded to make up their minutes, as if no such claim had existed. But, while the preses was signing these minutes, the claimant's brother-in-law, who was himself a freeholder, came to the meeting, and insisted, that they should take the claim under their consideration. This, however, they refused, upon the ground, that their business was concluded, and the meeting dissolved.

Colonel Campbell presented a complaint, charging, that the pretences on which his claim was not taken notice of, at the Michaelmas meeting, were entirely frivolous; and that no solid objection was so much as pretended to lie against his titles, which were also then produced. And the minutes of the meeting having been produced, as to this particular, they run thus: 'Then the clerk informed the meeting, that a claim had been lodged with him, in his capacity of sheriff-clerk, in name of Colonel Charles Campbell of Barbreck, for his being admitted upon the roll of freeholders; and intimation having been made at the door of the court-house for Colonel Campbell, or any person authorised by him, to appear and insist in his said claim, no appearance was made; and none other compearing to desire to be put upon the roll, as apparent heirs or otherwise, the meeting found, and hereby find, that the roll stands as before.'

THE LORDS found, that the respondents did wrong in refusing to enrol the complainer, and ordered his name to be added to the roll; and found the respondents liable in costs.

*Act. Ilay Campbell:*

*Alt. Walter Campbell.*

*Clerk, Tait.*

*Fol. Dic. v. 3. p. 430. Fac. Col. No 75. p. 183.*

No 226.

No 227.

The only two freeholders who attended a Michaelmas meeting evaded taking cognizance of a claim for enrolment, which was duly lodged, and moved to them by the clerk, on the pretence, that neither the claimant, nor any person for him, appeared to support his claim.

A motion made to them by another freeholder, while they were still in the court-room, to take the claim under consideration, was held by them to be too late. Found to have done wrong, and the claimant ordered to be added to the roll.