

No 73.

The Court were agreed, That it is *contra bonos mores*, and illegal, for those in power, procuring from Government, offices to other people, to stipulate a sum of money, or any of the emolument, either to themselves, or to third parties. Some of the Judges thought the present case substantially of the same nature; while others strongly urged this distinction, That here the Member of Parliament bore no part in the transaction in question; and as there is nothing wrong in obtaining a public office from favour to a particular individual or family, so it must be right to do so in the manner best suited to the beneficent end proposed.

It became unnecessary, however, to decide the cause on that general ground; the evidence of the alleged stipulation having been found insufficient. But as the defender declared his willingness to grant a part of the pursuer's demand, to that extent,

THE LORDS decerned against him.

Reporter, *Lord Rockville.* Act. *Dean of Faculty.* Alt. *Blair, Corbet.* Clerk, *Home S.*
Fol. Dic. v. 4. p. 28. Fac. Col. No 252. p. 386.

1786. February 16.

WILLIAM MORRIES, and Others, *against* JOHN WILSON, and Others.

No 74.

The payment, by one political party, of an elector's debts, in order to counteract the designs of the opposite party, who had instigated the creditor to the execution of ultimate diligence, not construed to be bribery and corruption.

IN a complaint under the statutes of the 16th Geo. II. cap. 11. and 14th Geo. III. cap. 81. against an election of magistrates and council of the burgh of Dunfermline, it was

Objected, That the votes of certain persons had been obtained by means of bribery and corruption; for that, they being utterly bankrupt and under ultimate diligence, their debts had been paid by the political party in favour of which they had given their voice. To this objection, it was

Answered, That the creditors of those voters had been instigated by the opposite party to execute that diligence, in order to prevent them from exercising their right of election; and therefore that such payment of debts was justified by the restoring of electors to a state of freedom, of which, from sinister motives, they had been deprived.

The Court, adopting the argument of the respondent,
 "Repelled the objection, and dismissed the complaint."

Act. *Abercrombie, Maconochie.* Alt. *Wight, Cullen* Clerk, *Menzies.*
S. Fol. Dic. v. 4. p. 28. Fac. Col. No 259. p. 395.