

and another of furiosity, taken out against the same person at the same time, of which there was one example ; but they found, That there must be distinct claims and distinct retours upon the two brieves : though it was observed, that, by the Act 66 James III., it appears, that formerly there was but one brief both for idiotry and furiosity.

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1747. *January 14.* ELECTION PROCESS of WICK.

IN this case, it was decided, That a dilatory exception, such as this, that one of the defenders was not cited at his dwelling-house, or, what the Lords thought the same thing, the place of his ordinary residence, as the summons bore, (which, in effect, was an improbation of the execution,) unless instantly verified, could only be proponed *sub periculo causæ*. This doctrine was founded on the authority of Lord Stair and the nature of the thing ; for, otherwise, processes would be endless, if the defender were allowed to go on and demand, first, a proof of one dilatory defence, and then of another.

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1747. *January 16.* ——— against ———.

Found,—That compensation might be admitted against a decret in absence. In this case, precedents were searched, and it was found, That it had often been decided otherwise, but that the most and latest decisions were on this side.

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1747. *January 17.* INVERKEITHING ELECTION PROCESS.

Sustained this no process, That the names of all the defenders were not mentioned in the executions, but only two of them, with the addition of “and others,” which they thought did not come up to what was required by Act 6, 1673.

The like found in the election process of Wick, February 12, 1747.

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1747. *January 17.* MONTROSE ELECTION PROCESS.

[Falconer, No. 166.]

IN this case, the President and Lord Elchies declared it as their opinion, that, where the Crown granted a warrant for a poll-election in a burgh, without requiring a report to be made to the King, (which sometimes happened,) in that case the Court of Session had jurisdiction to cognosce upon the poll, be-