

S E C T. V.

Consequence of withdrawing opposition to a complaint. What fine in a joint complaint. Complaint for bribery. Complaint for undue enrolment.

1765. *January 17.* SINCLAIR and SUTHERLAND *against* MACKAY.

No 266.

WHEN freeholders withdraw their opposition, the Lords do not grant the prayer of the complaint of course; they order the withdrawing the objections to be notified by the Sheriff to the other freeholders, at a meeting called for the purpose, in order that they may, if they think proper, still continue the suit.—*See APPENDIX.*

Fol. Dic. v. 3. p. 437.

1768. FRASER, &c. *against* ROSS of Priesthill and GORDON of Carrol.

No 267.

By § 6. of 16th Geo. II. cap. II. ‘If the judgment of the freeholders, refusing to admit, or striking off any person from the roll, shall be affirmed by the Court of Session, the person complaining shall forfeit to the objector the sum of L. 30 Sterling, with full costs of suit.’ Where a joint complaint, in name of the liferenter and fiar of the same lands was dismissed, the COURT imposed only one penalty of L. 30 on both.—*See APPENDIX.*

Fol. Dic. v. 3. p. 437.

1768. *July.* General IRVINE *against* JOHN ADAM of Maryburgh.

No 268.

By 2d Geo. II. cap. 24. § 9. *unct.* § 2. any person guilty of bribery, by accepting money, or other reward, for his own vote; or by corrupting others, shall, for each offence, forfeit the sum of L. 500 Sterling, ‘to be recovered, with full costs of suit, by summary action or complaint before the Court of Session, or by prosecution before the Court of Justiciary.’ Found, That in a complaint to the Court of Session upon this clause, the respondents were not entitled to insist, that a list of the witnesses to be adduced should be exhibited, or the writings to be founded on produced with the complaint, as would have been the case had they been prosecuted before the Court of Justiciary.—*See APPENDIX.*

Fol. Dic. v. 3. p. 438.