

1741. *January 27.* ELECTION of HADDINGTON.

No. 14.

THE Lords having in the end of December, found that the nullity of an execution produced, (that it was not signed by the witnesses,) was not sup-
pliable by their signing after it was produced in judgment; the Lords ad-
hered, with the addition of the word ‘ now;’ for Lord Arniston thought in
general that such a nullity might be supplied; but because it was not sup-
plied till after the year of the defender’s magistracy was expired, he thought
it not now suppliable; *2do*, Adhered also in sustaining the nullity, that the
execution at the defender’s dwelling places, did not mention, that copies were
left with any of the family; and, *3tio*, That Bringles, one of the Councillors,
was not called.

1741. *February 6.* ELECTION of BRECHIN.

No. 15.

FOUND, that after the process is insisted in, no new execution can be
received. *2do*, Sustained the objection, that the defenders’ dwelling places
were not designed, *i. e.* that they were in Brechin; but found, that that can
be amended by the messenger and witnesses. *Vide* July 23, 1734, *voce*
EXECUTION, where the contrary was found.

1741. *February 11.* ELECTION of the TOWN of PERTH.

No. 16.

TWELVE trades’ and three Merchant-Councillors seceding from eleven
Merchant Councillors, and going to another place where they made an elec-
tion, (whereas had they staid, they would have become the majority by
choosing other three Merchant-Councillors in place of the former three, in
which the trades had no vote;) yet this not found to fall under the act 7th,
Geo. II., which statutes only in the case of the minority separating from the
majority; but thereafter, the election made by the 15 seceders was reduced
on the common law, and that made by the 11 merchants sustained, and
upon appeal affirmed.