

not yet appear whether the respondents shall be electors of delegates, yet that may be cleared before advising the proof; and though the acts of bribery were laid in general, yet as one particular was charged, that must go to proof, and we thought we could not well refuse a proof at same time of the rest.

No 39.

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1754. February 27. GLASS *against* MAGISTRATES of ST ANDREWS.

No. 40.

THE last annual election was finished 8th October, but three Councillors declining to accept, 15 or 16 of the Council, without summoning the whole Council *pro re nata*, chose three new Councillors, not of the old Council of the preceding year, but of other Guild Brethren; for which Glass and others presented a complaint, 18th December. Answered: Not competent, because no complaint in two calendar months from the annual election, which was finished 8th October; *2do*, *Non relevat*, because the annual election being finished, the filling up of the Council is an act of ordinary administration, and the act 16th Geo. II. respects only wrongs done at the annual election. We unanimously sustained the first defence, and dismissed the complaint; and the most part of the Court seemed also of opinion for the second, but we did not decide it. (See Dict. No. 21. p. 1875.)

See Leith and Leslie against Magistrates of Aberdeen, December 16, 1748, *voce* PUBLIC POLICE.

See Thomson, Minister of Dunfermline, against Heritors, June 19, 1750, *voce* MANSE.

See Burgh of Wick, July 27, 1743, *voce* PUBLIC POLICE.

See Town of Canongate against Magistrates of Edinburgh, July 23, 1735, *voce* PUBLIC POLICE.

See COMMISSIONER of SUPPLY.

See NOTES.