

No 92.

1768. *March 11.* Hog of Newliston, Petitioner.

THERE being no convener of the Commissioners of Supply of a county, the LORDS ordained the last convener to call a meeting, the same being previously advertised. *See APPENDIX.*

*Fol. Dic. v. 3. p. 410.*

No 93.

1774. *June 21.* STEPHEN *against* ABERCROMBY.

AN order similar to that granted in the cause, Earl of Panmure, &c. against Commissioners of Supply of Forfarshire, No 90. p. 8675, was given upon the application of the Duke of Gordon, 18th December 1772, No 379. p. 7674. *voce* JURISDICTION, in consequence of which order, the Commissioners met on the day appointed, but the majority, after stating certain objections, protested against farther procedure. The minority, however, went on and made a division, and the Court of Session found they were authorised so to do, in respect of the refusal of the majority. *See APPENDIX.*

*Fol. Dic. v. 3. p. 411.*

No 94.

1775. *July 25.* JOHN M'ADAM and Others, *against* JAMES LOGAN.

A person acting as a commissioner of Supply, without a legal qualification in two instances at one meeting, liable only in one penalty. Where penalties are awarded, costs of suit not exigible.

UNDER the authority of the land-tax act of Parliament for the year 1775, M'Adam and others, heritors in the county of Ayr, preferred a complaint, stating, that James Logan, who has not a sufficient qualification, did assume the character of a Commissioner of Supply for the county of Ayr, at a meeting held in the month of April last; and did, upon that occasion, act in two different instances; *first*, in voting who should be clerk to the Commissioners of Supply; and *next*, in voting whether the salary of that office should be diminished; and concluding to find the complainers entitled to recover from him the penalty of L. 20 Sterling for each of the two several times that he illegally acted as a Commissioner of Supply, with costs of suit.

*Answered*; The respondent, who is possessed of a small property in the foresaid county, having been solicited by some of his friends for his vote in the election of a clerk to the Commissioners of Supply for this current year, he yielded to that solicitation, having been told, that if he had L. 20 of real rent he was equally well entitled as if he had L. 100 Scots of valued rent: And it is acknowledged, that he did unwarily attend the foresaid meeting upon the