

is fitting or Called, the Meeting ought to appoint and estimate a particular Diet to the Contending parties to wait upon the Lord of Session in order to a Determination, who will Decide the Controversie at the day prefixed summarily according to law, upon a Supplication without farther Petition or proof Act 21 Parl. 3 Ch. 2. Freeholders in Scotland Elect their Commissioners for the shires when they are required by a Writ from the King under the Great Seal of Great Britain, Directed to Sheriffs and Stewards of the three parts two shires and stewards 6 St. cap. 6. 95. And the Sheriffs and Stewards are to publish the call and Diet of the parliament, and the Diet appointed for Elections, at the head burgh of the shire or stewardry, upon a Market day betwixt 10 and 12 hours in the forenoon; and also to make Publication thereof on the next Sunday thereafter at the door of every parish Church immediately after the forenoon's sermon; which Diet of Election must be 12 days before the Meeting of the parliament Act 21 Parl. 3 Ch. 2. The freeholders meet on the day prefixed for the Election in the Sheriff or Stewart court betwixt Midday and two o'clock in the afternoon, where no other persons are allowed to be present, except such as they call in. The Commissioner last Elected, or, in his absence, the Sheriff or Stewart Clerk as both the Votes (conform to the last Roll) who shall be present, and who shall be Clerk Act 21 Parl. 3 Ch. 2. A Sheriff assuming and continuing to proceed at an Election of the Commissioners of the shire, notwithstanding that the same was protested against by some of the Electors, was sustained to the next Election. 9 December 1700 The Double Election of the shire of Wigtown Lord Basil Hamilton contra William Stewart the Protes and Clerk being Obnoxious, that were not formerly Jurors, or have not taken the present oaths to the Government in the Capacity of Electors, they produce their Charters and shew to the Clerk their titles. And if no objection be made against them, the oaths of Allegiance is

Administered to them. They must also, if Required by Any Voter, take the oath of Abjuration and the formula Against Popery. But it is sufficient for Quakers to Make a solemn Affirmation in stead of a formal oath 6 St. cap. 23. After the New Electors are qualified to Vote, their Names with the particular extent or Valuation of their lands are Jurors. No Objection will be Received or heard against Any Elector after Voting pro et contra, that was not proposed before. Where Objections are timely Made, and Not Cleared or Acquiesced to, the Objector must protest Against such persons being Allowed to Vote, and those who Dissent from the objection protest to the contrary: Upon which objection the objection must be taken Act 21 Parl. 3 Ch. 2. Therefore Protestations taken Against an Elector were found to be illegal; in regard they bore Not that Instruments were taken thereon 26 July 1705 L. Balnagowan contra L. Colclough. Where Minority or Nonage is Objected Against an Elector, it must be Justly and Rightly proved d. Act 21. Prototyping and taking Instruments against any Elector whose title is quarrelled at the time before Voting, and inserting the objections fully and particularly in the Instruments, is a proof of so necessary solemnity by the law of Scotland; that no Objection Against such a Voter could be Moved or insisted upon in Parliament, except what is contained in such an Instrument Act 21 Parl. 3 Ch. 2. The objections Against Electors be heard to be Advised as stated in the Instrument taken Against their Voting 2 January 1701 The Contraverted Commission from the shire of Ayr to Campbell of Shandstown & Brisbane of Bishop's town about Electors must both Jurors their titles by producing their Evidents, and be qualified by taking the oaths to the Government before they Vote, otherwise their Votes will not be sustained 30 July 1698 Robert Hall of Gulbar for the Burgh of Ayr. And these having once taken the oaths at an Election, were not found obliged to take them over again in the same Capacity 11 December 1700 The Contraverted Election