

order has as great authority as an extract; and the method followed in this case is not unusual, where the party is at hand.—THE LORDS repelled the objection. No 236.

*Fol. Dic. v. 3. p. 432. & 437. Fac. Col.*

\* \* This case is No 18. p. 8579.

1762. CARRUTHERS of Denby *against* FERGUSSON of Craigdarroch.

No 237.

A KALENDAR month is from any day in one month to the same nominal day in the next month. In this case, the Court of Session was of opinion, that a complaint moved by the Lord President on the 6th of February was within four kalendar months of a meeting of the freeholders held upon the 6th of October preceding. See APPENDIX.

*Wight, p. 133.*

1766. *January.* YOUNG *against* JOHNSTON.

No 238.

WHERE the minutes of the meeting do not bear by whom an objection was stated, a person complaining against the judgment of the freeholders must make all those parties to the complaint who voted for sustaining the objection; and a misnomer of any one of them will be fatal to the complaint. See APPENDIX.

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

\* \* See Tenant against Johnston, No 54. p. 3720, *voce* EXECUTION.

1767. *February 17.* GORDON of Newhall *against* JOHNSTON.

No 239.

WILLIAM GORDON of Newhall claimed to be enrolled as a freeholder of Cromarty; and being refused, complained to the Court of Session upon the statute. Mr William Johnston was enrolled at the same meeting; and Mr Gordon complained of his enrolment. Waving the merits, Mr Johnston *pleaded*, That the complaint was incompetent, in respect Mr Gordon did not then stand upon the roll. THE COURT appointed an answer upon the merits of the complaint; after which they took up Mr Gordon's first complaint, and having ordained him to be inrolled, repelled the preliminary objection, that he was not upon the roll, in respect of their previous interlocutor, by which his title to be upon the roll was sustained. See APPENDIX.

*Fol. Dic. v. 3. p. 432.*