

Graham, and claims a particular barony of his estate, which had been usurped by him or his predecessors ; and he has secured attention to that, by putting a patrimonial interest at stake. He has again taken his title of Earl of Stirling. The service to the first Earl has been carried through since the summons was executed ; and it is stated positively, that, at an election in 1825, the pursuer voted without protest ; and, in the next place, that he proceeded, in 1830, before the Lord High-Chancellor in England, to take the oaths, and was received and qualified as a peer, and certainly has got the usual certificates ; and at the last general election,* his vote was received without protest. The observations that any noble Lords choose to state in their deliberations, and the notices taken of them by the clerks, your Lordships will never admit to have the same validity with a protest. If your Lordships were satisfied that that step was allowed to be taken contrary to the resolution of the House of Lords, then the point would be brought back to the state in which I conceived it to stand when the former summons was before us. But a statement being merely made in a minute, and no protest entered, we have pretty real evidence that my Lord Roseberry, who moved the resolution, was convinced and well knew it did not apply to a case in this situation ; I have not a doubt that his Lordship was quite satisfied that it did not apply to dormant peerages, and that they were not the claims which should have been excluded. I will act upon this resolution still, which prevents a Peer from going down to Holyrood House to give his vote, if I am satisfied that he has no right to that dignity which he has assumed. But it is admitted, that its application is in existing peerages, and not in dormant ones ; and, therefore, this case is brought back to the former practice in regard to those titles of noblemen standing upon the Union Roll, according to which, I apprehend, we would have no ground whatsoever for refusing to the claimants the entertaining of actions describing themselves by the names of any individual Peers, and

* In June, 1831.