

No 166.

charges these powers, the fiar is entitled to be enrolled, and to vote, providing that an year has run from the registration of his infeftment.

And as the words of these statutes do not affect the complainer, so neither does the intention of them, which was to prevent an undue multiplying of votes on the approach of an election, of which there can be no hazard, by allowing a father, or other person, to renounce their reserved powers in favour of the fiar.

Answered for William Craig, That the objection is founded on the words of the statute 12mo Annæ; for it is thereby enacted, ' That no conveyance or right whatsoever, whereupon infeftment is not taken, and sasine registered one year before the test of writs for calling a new Parliament, shall, upon objection made in that behalf, entitle the person so infeft,' &c. Now, it is admitted, that the complainer's charter and infeftment by themselves gave him no right to be enrolled; it was the renunciation alone that could give him such a title; but he, not being infeft year and day upon that title, when he claimed to be enrolled, had no right to that privilege. The present case is quite different from that of an infeftment upon an adjudication, the legal of which has expired a short time before the adjudger claims to be enrolled; for the expiry of the legal arises from the nature of the right itself, and not from any new right or conveyance.

And, as the intention of the statutes was to prevent an undue multiplying of nominal votes upon the approach of an election, the complainer was, by the intention, as well as the words, justly excluded from the roll: Otherwise every man might create as many votes as his valuation would admit, by granting dispositions with reserved powers, and executing and producing renunciations of these powers on the very day of election.

' THE LORDS sustained the objection made to the qualification of the complainer, and dismissed the complaint.

Act. And. Macdowall, J. Dundas et Bruce. Alt. Lockhart et J. Grant. Clerk, Forbes.
B. Fac. Col. No 127. p. 186.

No 167.

1760. February 5. CAMPBELL and GRAHAM against MUIR.

OBJECTED to a claimant, That his infeftment having proceeded on a disposition granted by an heir of entail, who was strictly prohibited from alienating the lands.—*Answered*, A conveyance from an heir of entail, however strictly followed, is good against all except the substitutes; and it is *jus tertii* to any to plead in their right.—THE COURT repelled the objection.

Fol. Dic. v. 3. p. 424.

* * * This case is No 8. p. 7783.