

His titles, derived from Mr Shaw Stewart, proprietor of the estate of Greenock, who was fettered by an entail of the strictest sort, imported a bare liferent of superiority, the pecuniary advantages of which were nowise adequate to the expense of making out the necessary writings.

A majority of the Judges were of opinion, That the qualification grounded on these titles was nominal and fictitious. A conveyance from the proprietor of an entailed estate, it was observed, might, in some instances, afford an unexceptionable right to vote. But in distinguishing real qualifications from such as were nominal and fictitious, the circumstance of the person from whom the right was obtained being under restraints of this sort, had a considerable weight, as it could hardly be doubted, that the grantee was at least under an implied obligation to reconvey his right whenever this became necessary to prevent a forfeiture; and when to this was joined the presumption arising from the limited nature of the right itself, it was impossible to consider it as one to which the Legislature meant to annex a right of voting.

THE LORDS found, "That Mr Elphinstone's qualification was nominal and fictitious, and that the freeholders did wrong in admitting him to the roll."

Act. *Lord Advocate*, et alii. Alt. *Dean of Faculty*, et alii. Clerk, *Robertson*.  
C. *Fol. Dic. v. 3. p. 419. Fac. Col. No 315. p. 489.*

\*.\* This case was appealed:

THE HOUSE OF LORDS, 30th April 1787, ORDERED, "That the cause be remitted back to the Court of Session in Scotland, to hear parties farther thereupon, with liberty to receive such new allegations and evidence as the occasion may require."

1787. February 20. JOHN CAMPBELL and Others *against* WILLIAM INGRAM.

THE right in virtue of which Mr Ingram was admitted to the roll of freeholders in the county of Renfrew, was a naked liferent of superiority, created only a few years before. The feu-duty did not exceed ten shillings, and the casualties were taxed at double the feu-duty.

THE LORDS, on a complaint, preferred in the name of John Campbell, and others, "found, That the freeholders did wrong in admitting Mr Ingram to the roll, and ordered his name to be expunged."

Act. *Geo. Fergusson*, et alii. Alt. *Dean of Faculty*, et alii. Clerk, *Robertson*.  
C. *Fol. Dic. v. 3. p. 419. Fac. Col. No 316. p. 490.*

No 143.  
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