

No 145. 1787. February 20. SCOTT and TOD *against* MILLAR.

MR MILLAR's qualification was the fee of the superiority of Ardgowan, conveyed to him by Sir Michael Stewart, with the exception of a liferent formerly conveyed to another person. The yearly feu-duties amounted only to L. 2 : 14 : 8d. Sterling. THE LORDS sustained the qualification.

Fol. Dic. v. 3. p. 419. Fac. Col.

* * * This case is No 41. p. 8625.

No 146. 1787. February 20. JOHN LAMONT and JAMES CAMPBELL, *against* JOHN ALSTON, Jun.

THE feudal titles, in virtue of which Mr Alston, jun. was enrolled among the freeholders of the county of Renfrew, imported only a liferent of the superiority, which, considered merely as a patrimonial right, was equally nominal with any of those which had been rejected by the Court.

But it appeared that the first separation of the property from the superiority, which took place about thirty years before, had not originated from any political motives.

On this ground, after revising a petition and complaint, in the name of John Lamont and James Campbell, with answers for Mr John Alston, jun.

THE LORDS repelled the objection, and dismissed the complaint.

Act. *Dean of Faculty, et alii.* Alt. *Blair, et alii.* Clerk, *Robertson.*
G. *Fol. Dic. v. 3. p. 419. Fac. Col. No 318. p. 492.*

No 147. 1787. February 20. JOHN ROEBUCK, Jun. *against* SIR WILLIAM CUNNINGHAM and Others.

MR ROEBUCK claimed to be enrolled as a freeholder in the county of Renfrew, his right being a liferent of superiority, constituted by a recent separation of the property from the superiority, for the obvious purpose of creating a freehold qualification.

But the annual feu-duties exigible by Mr Roebuck were considerable, amounting to L. 71 : 7 : 8d. Scots, and the casualties of superiority were not taxed.

The freeholders having refused to admit Mr Roebuck, the LORDS, after advising a petition and complaint, with answers,

“ Found, That the freeholders did wrong, and ordained Mr Roebuck's name to be added to the roll.”

No 147.

Act. *Geo. Fergusson*, et alii. Alt. *Dean of Faculty*, et alii. Clerk, *Robertson*.
C. *Fol. Dic. v. 3. p. 419. Fac. Col. No 319. p. 493.*

1787. February 20. WILLIAM M'DOWALL against GEORGE CRAWFORD.

IN the year 1781, George Crawford was enrolled among the freeholders of the county of Renfrew, as superior of the lands of Langside.

In the year 1783, he conveyed his right in these lands by a disposition, containing a procuratory of resignation, and a precept of sasine, to Lord Sempill, who immediately took infeftment in virtue of the precept.

So matters continued till the year 1786, when an objection was regularly lodged by Mr M'Dowall to Mr Crawford's continuing on the roll; and, on 9th October of that year, being the day before the meeting for election, Lord Sempill executed a procuratory of resignation, *ad remanentiam*, in the hands of Mr Crawford, and the instrument following thereon was immediately recorded.

At the meeting for election, Mr M'Dowall objected to Mr Crawford's qualification; *1st*, As being contrary to the act 10th Ann. requiring the right of the freeholder to be complete twelve months before the election, Russell *contra* Ferguson, 7th March 1781, *infra, b. 1.*; and, *2dly*, Because the estate having been clearly reserved in Mr Crawford, for the purpose of giving him a right of voting, was thus in defraud of the statutes relative to elections, particularly that of 7th Geo. II.

This objection, which was over-ruled by the freeholders, having been repeated in the Court of Session, in consequence of a complaint in the name of Mr M'Dowall.

“ THE LORDS repelled the objection, and dismissed the complaint.”

Act. *Blair*, et alii. Alt. *Wight*, et alii. Clerk, *Robertson*.
C. *Fol. Dic. v. 3. p. 419. Fac. Col. No 320. p. 494.*

1788. March 6. HENRY LINDSAY against WILLIAM DRYSDALE.

MR LINDSAY's claim to be enrolled among the freeholders of the county of Fife, as liferent-superior of certain lands, was rejected at the meeting for election in 1787, the freeholders considering the feudal titles exhibited for him as nominal and fictitious.

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No 148.
Objection of the estate being reserved in the freeholder for the purpose of giving him a right to vote, repelled.

No 149.
The trifling pecuniary value of an estate giving