

can never be thought, that it was the intention of the act of Parliament to make a partial change of the great principle upon which the whole election laws depend, that the right of voting depends on the *dominium directum*, and not on the *dominium utile*. Such accordingly is the interpretation which has been uniformly given to this part of the clause: Wight, B. 3. p. 238; Nisbet against Hope, 23d February 1790, No. 231. p. 8855; and is implied in the 16th Geo. II. which in a great measure supersedes the regulations of the act of Queen Anne, and makes no mention of any such limitation.

The objection founded on the other clause of the statute, that Mrs. Fraser was not an heiress, but a singular successor, as to part of the superiorities, was repelled; Skene against Sandilands, January 25th 1786, No. 188. p. 8814.

The Lords, upon advising the memorials, by a great majority, repelled the objections.

It seemed to be the general opinion of the Court, that the objection was founded upon too critical an interpretation of the act of Queen Anne, which was never intended to make such a fundamental alteration upon the principles of the election law of Scotland.

For Complainer, *Ross, Campbell, jun.* Agent, *R. Dundas, W. S.* Alt. *Gillies,*
Mackenzie. Agent, *K. Mackenzie, W. S.* Clerk, *Pringle.*

J.

Fac. Coll. No. 167. p. 378.

1806. March 11. ELLIOT against FREEHOLDERS of SELKIRKSHIRE.

THE Honourable Gilbert Elliot, the eldest son of Lord Minto, claimed to be enrolled among the Freeholders of Selkirkshire, which was (3d October 1805) refused by the meeting, upon the ground that he was the eldest son and heir-apparent of a British Peer.

Mr. Elliot complained to the Court, who (11th March 1806) determined that the Freeholders did wrong in refusing to enrol him. The case of Abercromby, 9th March 1802, No. 119. p. 8726. was considered decisive of the present.

For Complainer, *Cranstoun.* Agent, *A. Paterson.* Alt. *Colquhoun.* Agent, *Wm.*
Balderston, W. S. Clerk, *Home.*

Fac. Coll. No. 245. p. 549.

1807. February 10. DUFF against SIR GEORGE ABERCROMBLE.

THE Earl of Fife was superior of the lands and estate of Straloch in the county of Banff, valued at £800 Scots. By a disposition, of this date, (13th

No. 8.

No. 9.

The eldest son of a British Peer is entitled to be enrolled among the freeholders of a county in Scotland.

No. 10.

It is necessary, in splitting a cumula