

1760. *February 5.*CAMPBELL of Shawfield, and GRAHAM of Garthmore, *against* MUIR of Caldwell.

No 138.

FOUND, that titles, upon which a claim of enrolment is entered, cannot be rejected as nominal and fictitious, if the claimant be really possessed of the whole right contained in those titles, even where they have been made up in such a manner as to make it presumeable that the sole intention was to create a vote.

Fol. Dic. v. 3. p. 418. Fac. Col.

* * * This case is No 8. p. 7783. *voce* JUS TERTII.

* * * A similar decision was pronounced, 22d February 1760, Grant of Drumpad against Campbell, and other Freeholders of Dumbarton, No 129. p. 8740.

1761. *July 28.*STEWART *against* DALRYMPLE.

No 139.

THE LORDS repelled the objection of nominal and fictitious, where the feu-duty payable to the Crown was L. 24 Scots, and the blench duty payable to the claimant was one penny Scots, with relief of the feu-duty and other public burdens.

Fol. Dic. v. 3. p. 403. Fac. Col.

* * * This case is No 18. p. 8579. *h. t.*

1762. *January 5.*ALEXANDER GOLDIE of Southwick *against* ALEXANDER GORDON, younger, of Campbelton.

No 140.

At the Michaelmas meeting of the freeholders of the stewartry of Kirkcudbright, held upon the 13th of October 1761, Alexander Gordon, younger, of Campbelton, claimed to be enrolled as proprietor of certain lands which had been disposed to him by his father.

Alexander Goldie, a freeholder, present at the meeting, *objected*, That the claimant's title was altogether nominal and fictitious, and that no true and real estate was devised to him by the disposition from his father, which, besides being limited to heirs only, expressly provided, ' That no debts contracted, or deeds done, or to be contracted and done, by the said Alexander

A charter proceeding upon a disposition, bearing, ' That no debts contracted, or deeds done, or to be contracted or done, by the disponsee during the life of the disponsee.