

the nature of tenure, provides, That lands holden of the King or prince, liable in public burdens for L. 400, shall in all cases be a sufficient qualification.

No 33.

“ THE LORDS found, that the complainers, in virtue of their titles produced, are sufficiently entitled to be inrolled in the roll of freeholders for the shire of Aberdeen; therefore ordained all of them to be added to the said roll.”

Alt. *George Brown.*
S.

Alt. *Burnet et J. Gordon.*
Fol. Dic. v. 3. p. 405. Fac. Col. No. 146. p. 217.

Clerk, *Kirkpatrick.*

1755. *November 13.*

ANDREW CHALMER of Easter Dalrye against WILLIAM TYTLER of Woodhouselee.

No 34.

MR TYTLER claimed to be enrolled as a freeholder of the county of Edinburgh for the lands of Foulfuid, as being a forty-shilling land of old extent.

In a proof of which assertion, he produced from the Chancery an extract of a writing, which bears, That on the 3d day of March 1554, an inquisition was made before the Sheriff of Edinburgh, by certain persons ‘ qui jurati dicunt, quod terræ comitum dominorum et baronum et libere tenentium vicecomitatus de Edinburgh, extendunt ad valorem subscript. respectique antiqui extensus.’ In this writing the lands of Foulfuid are valued at 40 shillings. It concludes with these words, *in cujus rei testimonium*; but it does not bear, that the seals of the jurors were appended; neither does it make mention of the name of the clerk, nor of his subscription as clerk.

The objection, that the extract from chancery of a retour did not bear, that the seals of the jurors were appended, nor mentioned the name or subscription of the clerk, was repelled.

The freeholders enrolled Tytler at the Michaelmas meeting 1755. Chalmer preferred a complaint against this enrolment; and *objected*, That the writing produced for Tytler could be considered only as the draught of a retour which had never been completed.

Answered for Tytler; Retours must be held to be authentic when registrated by the proper officer of the law. This retour is not indeed recorded at length; but the same objection might be made to the authority of the record of many charters, wherein the names of the witnesses are omitted; and instead of the testing clause, these words are inserted, *testibus ut in præcedenti charta*. The same is the case in sasines; the law requires that they be inserted at length in the record; but this has been frequently neglected in practice.

“ THE LORDS repelled the objection.”

Act. *Sir Da. Dalrymple.*
D.

Alt. *Rae & A. Pringle.*
Fol. Dic. v. 3. p. 404. Fac. Col. No 163. p. 243.

Clerk, *Kirkpatrick.*