

1760. *February 5.*No 222. CAMPBELL of Shawfield and GRAHAM of Gartmore *against* MUIR of Caldwell.

FOUND that it is *jus tertii* to a meeting of freeholders to object to the title of a claimant, upon the footing that his author was barred from selling by an entail.

Fol. Dic. v. 3. p. 430. Fac. Col.

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

1766. *January 17.*M'LEOD *against* GORDON.

No 223.

M'LEOD of Cadboll stood enrolled as a freeholder of Cromarty upon his whole estate valued at L. 1361 : 10s. Having got a division of his valuation, he granted a feu-right of the whole ; obtained a charter of resignation from the Crown ; granted wadsets of some parts of his superiority, and conveyances of other parts of it to his friends in liferent and himself in fee ; the lands, of which he thus retained the fee, extending to L. 502 : 6 : 4d. of valued rent. This does not appear to have been proved to the freeholders, who, on objections having been duly lodged, struck him off the roll at their Michaelmas meeting. The Court of Session, upon a complaint, ordained him to be replaced as fiar of the lands contained in his titles.—See APPENDIX.

Fol. Dic. v. 3. p. 431.

1767. *January 23.* RANKINE and IRVINE *against* RAMSAY and COLVIL.

No 224.

A MEETING of freeholders refused to take under consideration an objection lodged two months before Michaelmas, in respect it was not signed, nor did it mention by whom it was given in, or in whose name. Upon a complaint, the LORDS reversed the judgment, as having no foundation in the statutes.—See APPENDIX.

Fol. Dic. v. 3. p. 431.

1767. *January 23.*ROBERT RANKINE of Colden *against* ALLAN RAMSAY of Kinkell.

No 225.

Freeholders cannot alter the order of the roll.

AT Michaelmas head-court for the shire of Kinross, in October 1766, the only freeholders present were, Mr Ramsay of Kinkell, and Mr Rankine of

Colden; when Mr Ramsay, standing first on the roll, was, by his own casting vote, elected preses; and, alleging that Mr Rankine's name had, at a former meeting, been improperly placed in the roll before Colonel Irvine, Mr Ramsay proposed that the roll should be altered, and Colonel Irvine placed before Mr Rankine; and, Mr Rankine declining to vote, Mr Ramsay, as preses, ordered the clerk to make up a new roll, in which Colonel Irvine's name was placed before Mr Rankine; and this roll was signed by Mr Ramsay, as preses, and by the clerk, and engrossed in the minutes. Mr Rankine applied to the Court, by summary complaint, praying to be restored to his former place upon the roll.

No 225.

In the answers given in for Mr Ramsay, it was *objected*, That the statute 16th of the late King did not authorise a summary complaint to the Court in such a case as the present; and, therefore, the summary complaint was incompetent.

Mr Rankine, to obviate that objection, brought an action of declarator, in which he called Mr Ramsay and Colonel Irvine, and concluded to have it found and declared, that he was entitled to hold the same place in the roll he formerly had; which action was taken up along with the complaint.

“ THE LORDS ordered Mr Rankine to be restored to his former place on the roll.”

For Mr Rankine, *Al. Wight.*For Mr Ramsay, *Dav. Græme.**A. E.**Fol. Dic. v. 3. p. 430. Fac. Col. No 57. p. 97.*1768. *January 2.*WILLIAM DOUGLAS of Bridgetown *against* Captain ALEXANDER REID of Logic.

AT the Michaelmas head-court for the county of Forfar, in October 1767, a claim was presented for Captain Reid, for being enrolled in the roll of freeholders for said county; and the claim narrated the different titles founded on by the claimant, and, among others, the general retour of Thomas Stormont of Kinclune.

When the claim and claimant's title-deeds came to be considered by the freeholders, the above-mentioned retour was amissing; upon which it was *objected*, That the claimant could not be enrolled, in regard that Thomas Stormont's retour not being produced, which was a necessary part of the claimant's progress, there was no proper evidence before the freeholders to show that the claimant had right to the lands of Kinclune, part of the lands upon which he claimed.

Answered for Captain Reid; That not being able to be present at the meeting of the freeholders, he had lodged the whole title-deeds, and, among others, the retour now mentioned, in the hands of the Sheriff-clerk of the county, who was the notary that took his infeftment on the lands of Kinclune, with orders

No 226.

A claimant had lodged his title deeds with the Sheriff-clerk, including a retour, by which they were connected. The Sheriff-clerk had mislaid this retour at the meeting of freeholders, but acknowledged he had had it that morning. The objection of the want of