

No 240.

1773. *March 3.*GORDON *against* ABERNETHY.

COMPLAINT was moved in Court, on Saturday 23d January, and was then ordered to be served ; but the interlocutor was not written out, nor signed by the Lord President, till Tuesday the 26th. It was *objected*, That the complaint could not proceed, because Monday the 25th was the last day of the four kalendar months. THE LORDS over-ruled the objection. The act of Parliament only requires the application to be made to the Court of Session within four months : It is of no consequence, that, through accident or hurry of business, the warrant is not signed till after that period.

Fol. Dic. v. 3. p. 432. Fac. Col.

*** This case is No 208. p. 8833.

No 241.

1774. *February 23.*DUNBAR *against* URQUHART.

A JUDGMENT of the court of freeholders, striking a party off the roll, though acquiesced in for four months, may notwithstanding be made the subject of complaint to the Court of Session.

Fac. Col.

*** This case is No 198. p. 8826.

No 242.

A complaint to the Court of Session respecting enrolment must be served against all those who offered objections in the freeholders' court.

Nominal and fictitious.

1790. *May 15.*JOSEPH WILLIAMSON *against* JOHN SMITH.

MR WILLIAMSON was enrolled among the freeholders in the county of Perth, as proprietor of the lands of Dungarhill. These lands in 1788 he sold to the Duke of Athol.

Before the bargain was concluded, it was proposed by Mr Williamson that he should retain his freehold-qualification ; but the conveyance made out in favour of the Duke on 7th February 1789, containing procuratory of resignation and precept of seisin, was absolute and unconditional. After the Duke had taken a base infeftment, he granted to Mr Williamson, on 11th August 1789, an obligation not to take a charter of confirmation from the Crown, nor to execute the procuratory of resignation during Mr Williamson's life. This obligation, to which a penalty of L. 10 Sterling was annexed, was immediately inserted in the register of seisins.

At the Michaelmas meeting in October 1789, an objection arising from the above transaction was stated to Mr Williamson's remaining on the roll, by Mr Smith and two other freeholders ; and the objection being sustained, Mr Wil-