

No 112. 1780. December 21. *BOYES against HAMILTON.*

CAMPBELL had been enrolled in 1779, on the lands of Monkcastle, belonging to the Earl of Eglinton, which had formerly belonged to the Abbey of Kilwinning, elected into a temporal lordship in favour of the family of Eglinton. No complaint had been made of this enrolment; but at Michaelmas 1780, Mr Boyes claimed to be enrolled, partly on these lands of Monkcastle, to which he derived right from the Duke of Hamilton, whose family were the church vassals, and had them contained in their Crown charters for above a century. The freeholders rejected Mr Boyes's claim, in respect that Mr Campbell stood already enrolled on these lands. On a complaint, the LORDS found they had done wrong, and ordered Mr Boyes to be enrolled.—See APPENDIX.

Fol. Dic. v. 3. p. 414.

No 113. 1781. February. *HAMILTON against BOGLE.*

WHERE a freehold qualification depended on the old extent, it was argued, that a very small dismemberment, for the purpose of straightening marches, must be fatal, though the ground received be equal in quantity and quality; for, since the old extent of the freehold was only forty shillings, the smallest alteration might reduce it below the legal standard, and no division of the old extent can now be made to ascertain the truth. THE COURT repelled the objection, and their judgment was approved of by a Committee of the House of Commons.—See APPENDIX.

Fol. Dic. v. 3. p. 415.

1781. March 7.
ROBERT MUIR and CHARLES DALRYMPLE *against* GILBERT M'ADAM.

No 114.
A person who had granted a trust disposition of his estate for behoof of his creditors, found not entitled to vote. The court was afterwards found in the case which follows.

AT the meeting for electing a Member of Parliament for the county of Ayr, in 1780, it was *objected* by a freeholder to the title of Mr M'Adam of Merkland, then standing upon the roll, That he had divested himself of the lands on which he was enrolled, by a trust-deed, containing procuratory and precept, in favour of certain gentlemen, for behoof of his creditors. By doing so, his right became precarious and extinguishable at the will of another, and consequently ceased to entitle him to a freehold qualification.

This challenge was brought before the Court of Session.

Pleaded for Mr M'Adam; A trust conveyance does not absolutely divest the granter, although infestment has followed thereon. At any time before sale of the subjects, he may redeem, by payment of the debts secured by the trust, in