

ed in the retour. Without this, the feudal title is incomplete, and could not be the foundation of a freehold claim in the person of the ancestor. Of necessary consequence, Mr Traill's neglecting to exhibit the precepts must, in terms of the statute 16th Geo. II. prove fatal to his enrolment.

Answered; Mr Traill and his predecessors have been in possession of these lands for more than 40 years, upon heritable titles. They are, therefore, by the statute 1594, c. 218. freed from the necessity of producing the precepts of sasine upon which their infeftments have proceeded.

"THE LORDS repelled the objection."

N. B.—This gentleman's claim was rejected by the Court upon another ground, which was, his not having properly ascertained the valuation of his lands.

Objector, *Ilay Campbell, et alii.* Alt. *Rolland, et alii.* Clerk, *Tait.*

C. *Fol. Dic. v. 3. p. 425. Fac. Col. No 30. p. 55.*

1783. *January 25.* JOHN M'KENZIE *against* DONALD MUNRO.

IN this case, Mr Munro, in the character of apparent heir to his brother, having been enrolled at the Michaelmas meeting 1782, as a freeholder in the county of Ross, although no claim had been lodged for him till two days before the meeting, the LORDS, upon a complaint in the name of Mr M'Kenzie, founded on the statute 16th Geo. II. cap. 11. § 7.

Found, "That the freeholders did wrong in admitting Mr Munro to the roll of freeholders, and granted warrant for his name being expunged."

Act. *Elphinston.* Alt. *Abercromby.* Clerk, *Campbell.*

C. *Fol. Dic. v. 3. p. 426. Fac. Col. No 82. p. 130.*

1793. *January 19.* WILLIAM M'DOWALL and GEORGE HOUSTON *against* JAMES HAMILTON.

JAMES HAMILTON was enrolled as a freeholder in the county of Renfrew, in the character of heir apparent to his father, upon production of the following titles; *1mo*, A disposition of lands in favour of his father, affording a qualification; *2do*, An instrument of sasine, proceeding on the precept in the disposition; *3tio*, A charter of confirmation of the disposition and infeftment, obtained by the claimant after his father's death. In a petition and complaint, Messrs M'Dowall and Houston

Pleaded, An heir apparent is only entitled to be enrolled where his predecessor could have claimed that privilege.

No 181.
appeared a defect in the proof of his having the legal valuation.

No 182.
The claim of an apparent heir to be enrolled, must, in the same manner as any other, be lodged two months before the Michaelmas meeting.

No 183.
An heir apparent may be enrolled, although his predecessor had only a base infeftment, which has been made public by confirmation since his death.