

ranked for payment of L600; that is, they are ranked on the whole subject until payment. But they will not be so, if they are not secured in the interest; for then they will not draw certainly more than L.160.

PRESIDENT. Malcolm lent his money on the faith of an estate; and he trusted to a personal right, which might have indemnified him before the children's right took place. If he once could have drawn, how can we, in the ranking, anticipate the right of the children? The judgment in the case of *Easter Ogle* was a strong step. How could the children, in the present state of their debt, apply for a sequestration?

On the 6th July 1784, "The Lords preferred the children."

For the children,—R. Dalzell. *Alt.* R. Corbet.

Reporter, Rockville.

Diss. Gardenston, Kennet, Stonefield, Hailes, Rockville, President.

1784. July 7. JAMES BRODIE of BRODIE *against* KEITH URQUHART of MELDRUM.

MEMBER OF PARLIAMENT.

A person, after voting for Preses and Clerk, went out of the Court-room to an antechamber, where he waited till he heard his name called, to give his vote for the Member being elected, and, instantly appearing, gave his vote. There being no opportunity previously to put the trust-oath, it was tendered to him immediately after giving his vote, when he refused it, as being out of time. The Freeholders having sustained the vote, the Lords found they had done wrong, and ordered the person's name to be expunged from the roll.

[*Folio Dictionary*, III. 421; *Dictionary*, 8779.]

In this case the Lords were unanimously of opinion, that wilfully to evade the taking of the oath of trust and possession, was equivalent to the refusing to take it; and therefore,—

On the 7th July 1784, "They sustained the complaint, and ordered the name of Mr Urquhart to be expunged from the roll, and found him liable in L.10 of expenses."

For the complainer,—Wm. Honeyman. *Alt.* A. Wight.