

party an opportunity of defending himself. It is therefore competent to the respondent to obviate the objection, by producing the disposition at the bar.

No 261.

In the cases referred to, the objection had been moved at the enrolment, whereby the claimants had an opportunity of removing it, if they had been in a capacity to do so.

“ THE LORDS repelled the objection, and dismissed the complaint.”

*Alt. M. Laurin, J. Boswell. Alt. Geo. Buchan Hepburn.*

C.

*Fol. Dic. v. 3. p. 436. Fac. Col. No 45. p. 80.*

\*.\* This judgment was approved of by a Committee of the House of Commons, appointed to try the merits of the election for the county of Ayr.

1786. July 26. ERSKINE KNIGHT *against* ROBERTSON.

In the case of Mr Erskine Knight, No 189. p. 8815. new evidence was admitted in the Court of Session, of the allegation, that Mrs Erskine was an heiress of provision, and therefore that her husband had right, as tenant by the courtesy, to continue on the roll after her death.

No 262.

*Fol. Dic. v. 3. p. 437.*

1791. February 1. BRUCE *against* DAVIDSON.

At the meeting of election for the county of Stirling, 3d July 1790, Colonel Andrew Bruce claimed enrolment, as having right to the lands of Balquhatston, Above-the-Hill or Bunie hill of Balquhatston, Wester Balmitchel, and Bulliondale, part of the lands of Slamannan. It having been *objected*, That no entry corresponding to these lands appeared in the valuation or cess-books, it was *answered*, ‘ The claimant’s lands stand distinctly rated at L. 400 in the valuation and cess-books, under the names of the vassals; and the claimant is ready to show, by the charters of the vassals, that these names in the cess and valuation-books, do apply to the lands upon which he claims to be enrolled, and to no other.’ It was *replied*, That this ought to have been shown to the Commissioners of Supply; and, in fact, there had been an application made to them for that purpose, and a report made up by a Committee; but, as that report had not been approved of by a general meeting, the freeholders rejected the claim. Upon a complaint, however, the Court allowed a proof of the correspondence of the lands claimed on, with the entries in the cess-books; and, on advising it, they ordered Colonel Bruce to be enrolled.—*See APPENDIX.*

No 263.

*Fol. Dic. v. 3. p. 436. Supplement to Wight, p. 5.*