

1796. February 24. M'KAY of Scotstown *against* HOUSTON of Creech.

No 215.

MR M'KAY of Scotstown claimed at Michaelmas 1795 to be enrolled a freeholder in Sutherlandshire, and produced, as his titles, a charter and sasine of certain lands, which are there said to be contained in two contracts of wadset; but the claim did not specify whether Mr M'Kay claimed as wadsetter or proprietor, nor were the contracts of wadset produced to the meeting. This, among many other objections, having been stated, the freeholders refused to enrol Mr M'Kay, who thereupon complained to the Court of Session; and after advising the complaint, with answers, replies, and duplies, the Court ordered Mr M'Kay to be added to the roll. A reclaiming petition was refused, without answers, 9th March.

*Supplement to Wight, p. 22.*

1796. February 26.

JAMES LINDSAY CARNEGIE, Esq; of Spynie and Boysack *against* CHARLES GARDYNE, Esq.

No 216.

THE objection, 'That the claim did not at all specify the register in which the claimant's sasine was recorded,' having been repelled by the freeholders, the Court of Session, upon advising a complaint by one of them, with answers, replies, and duplies, affirmed their judgment, and awarded expenses against the party who complained of it. And this, although it was pleaded by the complainer, that since both the statutes last mentioned, and the previous one of 12th Queen Anne, cap. 6. § 1. require the sasine to be registered for a certain time before enrolment, registration of the sasine is thereby chiefly made an essential ingredient in the qualification; and that therefore the expression 'dates' in the act of the late King must apply equally to the registration, as to the taking of the sasine.

*Supplement to Wight, p. 16.*

1796. February 26. LINDSAY CARNEGIE *against* LINDSAY.

No 217.

A CASE occurred, in which it was objected, That the claim had not specified the year of registration. The claim run thus, 'Which charter bears date the 5th day of July 1794, and is written to the seal, and registered, and sealed the 9th day of September 1794; *2do*, Instrument of sasine thereon, dated the 23d of September, and recorded in the particular register of sasines kept at Dundee, for the shire of Forfar, the 24th of said month.' But it being answered, That the 'said month' clearly referred to the year last specified, es-