

No 201. not being able to produce, but only an extract of it, the determination of the Court entirely rested on the validity of his original titles.

Act. *Abercrombie.*

Alt. *W. Robertson, et alii.*

C.

*Fol. Dic. v. 3. p. 420. Fac. Col. No 156. p. 312.*

\*.\* See M'Lean against M'Neil, 23d June 1757, *voce* SALE.

---



---

## DIVISION V.

### Procedure in the Court of Freeholders.

---

#### S E C T. I.

Time of holding the Court.—Can Freeholders be compelled to meet.  
—Quorum.—Calling the roll, and choice of Preses and Clerk.

THE Sheriffs having been irregular as to the time of holding Michaelmas head-courts, it was, by act 16th Geo. II. cap. 11. enacted, That every Sheriff should, at least 14 days before Michalmas, appoint a precise day for holding such court in the year 1753, causing the same to be intimated at all the parish-churches within the shire, upon a Sunday at least eight days preceding; and that the day so to be fixed, should be the anniversary for holding the Michaelmas head-court in that county, in all time to come.

1753. *December 20.*

M'KENZIE of Highfield *against* FREEHOLDERS of CROMARTY.

No 202.

A GENTLEMEN, who had duly lodged a claim to be enrolled as a freeholder of Cromarty, preferred a complaint, setting forth, That the anniversary Michaelmas meeting had not been held, so that his claim was not judged of, and praying the interposition of the Court; the LORDS dismissed the complaint as incompetent, they having no original jurisdiction in matters of enrolment. This seems then to be a great grievance without a remedy. See Kames's Law Tracts, v. 1. p. 320, and Principles of Equity, p. 57, v. 2. Third Edition. See APPENDIX.

*Fol. Dic. v. 3. p. 428.*