

No 168. instance of a freehold purchased from an apparent heir, in the least analogous to the present case. If the purchaser has expedite a charter under the Great Seal in his own favour, and has got his infeftment upon record a year before his enrolment, as he is thereby received the Crown's vassal, it is nothing to the freeholders although his title was derived from one that never had a vestige of a right to the lands. The claimant's own charter and infeftment are all that they are concerned with; where these concur, they must enrol, because the title is *ex facie* complete; and the law has not given them any power to investigate the progress of a claimant's titles.

'THE LORDS ordained Alexander Hay to be struck off the roll of freeholders.'

For the Complainers, *Ja. Douglas, Leckhart.* For the Respondent, *Ferguson, jun. Barnett.*  
*A. W.* *Fol. Dic. v. 3. p. 423.* *Fac. Col. No 5. p. 8.*

1768. January 19.

GEORGE SKENE and CHARLES HUNTER against DAVID OGILVIE.

No 169.

IN the course of the contest between the Earls of Strathmore and Panmuir, for the county of Forfar, previous to the general election 1768, the Earl of Strathmore complained of fourteen different enrolments, in virtue of dispositions granted by the Earl of Panmuir.

It was *pleaded* against one of them, that of David Ogilvie, That the tenements of which his qualification was composed, lay discontinuous, and that infeftment had not been taken upon each tenement respectively, but upon one part of the whole.

*Answered,* There is a clause of union in the charter, with a disposition, declaring, that the infeftment taken *super aliqua parte fundi dict. terrarum sufficiens erit pro integris terris, baroniis supra scriptis, vel quavis earundem parte, non obstante quod discontigue jacent.*

*Replied,* That the concern being dissolved by the different dispositions, the effect of the disposition was at an end.

THE COURT of SESSION sustained the objection, but the HOUSE of LORDS, 4th March 1668, reversed the judgment.

*Fol. Dic. v. 3. p. 424.*

\*.\* The same judgment had been given by the Court of Session in thirteen other cases; which was likewise reversed in the House of Lords.