

freeholders over-ruled the objection. A complaint was preferred against their judgment to the Court of Session; in answer to which, Mr Edmonstone founded upon the minutes of the meeting of freeholders in 1774, from which it appeared, that the conveyance had been laid before them, though it had afterwards been lost or mislaid; and in order to supply the defect, he produced a new conveyance from his father; but the COURT found, that the freeholders did wrong in enrolling him, and ordered his name to be expunged from the roll. See APPENDIX.

No 253.

Fol. Dic. v. 3. p. 434.

1781. February 10. MOODIE of Milsitter against BAIKIE.

MOODIE of Milsitter claimed, at the Michaelmas meeting 1780, to be enrolled as apparent heir to his father, in virtue of lands upon which both his father and grandfather had stood on the roll; but having neglected to bring with him his father's charter, and having only produced the sasine that had followed on that charter, the freeholders rejected his claim; and the Court of Session affirmed their judgment.

No 254.

Fol. Dic. v. 3. p. 434. Fac Col.

* * * This case is No 180. p. 8806.

1796. May 14. PATRICK PROCTOR against Sir DAVID CARNEGIE.

PATRICK PROCTOR claimed to be enrolled as a freeholder in Forfarshire, and produced a charter from the Crown, containing lands affording a freehold qualification, in favour of the Earl of Strathmore; a disposition thereof to himself by Thomas Lyon and James Dundas, the Earl's Commissioners, containing an assignation to the unexecuted precept in the charter, and an instrument of sasine taken in virtue of it in his favour.

But he did not produce the Earl's commission to Messrs Lyon and Dundas; and although it was referred to in his claim, neither its date nor that of its registration were specified. Nor did it appear from his sasine, that it had been produced by his attorney to the Bailie when the infestment was taken.

To these titles Sir David Carnegie

Objected; A claimant before his enrolment, must produce to the freeholders 'the whole titles and vouchers of his qualification;' 16th George II. Mr Proctor ought therefore to have produced Lord Strathmore's commission to Messrs Lyon and Dundas, as forming an essential part of his titles; because without it, he does not connect them with the charter on which his infestment

No 255.

A claimant having produced, before a court of freeholders, a disposition from Commissioners, containing an assignation to a precept of sasine in a Crown charter in favour of their constituent, and his claim having been rejected, because he did not produce the commission under which the disposition