

KENNET. The purpose of parties was that the liferent should be retained. The procuratory of resignation does not entitle Sir James Grant to be infeft. During the life of Captain Dunbar, Sir James Grant could not *bona fide* have taken infeftment.

GARDENSTON. Captain Dunbar was formerly proprietor : how is he divested ? He is not, nor can he be habilely divested during his life.

AUCHINLECK. The bargain was fair, but the parties went to work in a bungling manner.

On the 23d February 1774, " the Lords appointed Captain Dunbar to be put on the roll."

Act. A. Lockhart. *Alt.* R. M'Queen.

1774. February 23. MR JAMES COLQUHOUN, Advocate, *against* CAPTAIN DUNCAN URQUHART.

MEMBER OF PARLIAMENT.

Previous registration for year and day, of a renunciation, by a liferenter, is not requisite to entitle the fiar to vote.

[*Faculty Collection, VI. p. 291 ; Dictionary, 8750.*]

GARDENSTON. Here there is a fiar and liferenter. The fiar is entitled to be enrolled : will it hurt his right that the liferenter has no right ? Suppose that he had been enrolled, and that afterwards the liferenter had renounced. By the objector's doctrine, he ought to be struck off the roll on account of his change of circumstances to the better.

[This was a stroke of humour which proved nothing.]

KENNET. As to the valuation of the lands, overblown with sand, the order of the treasury did not take effect. Supposing that the treasury had power to make it, I have some difficulty as to the objection, that the renunciation was not before year and day.

On the 23d February 1774, " the Lords appointed Mr Colquhoun to be enrolled *simply.*"

Act. J. Grant, A. Lockhart. *Alt.* R. M'Queen.