

No 117.

The interlocutor of the Court, 25th January 1792, was in these words :
 ' THE LORDS having resumed the consideration of the petition and complaint of the Right Honourable Bazil William Douglas, commonly called Lord Daer ; and having advised the same, with the answers thereto by the Honourable Keith Stewart, and others, freeholders of the county of Wigton, replies for the complainer, duplies for the respondents, and writings produced ; and having heard parties procurators upon the whole, they sustain the objection to the complainer's claim to be enrolled ; find the freeholders of the county of Wigton did right in refusing to enrol him ; and therefore dismiss the complaint, assoilzie the respondent, and decern : Find the complainer liable to the respondents in the statutory penalty of L. 30 Sterling, and decern against him therefor : Find him also liable in full costs of suit, and appoint an account thereof to be given in to Court.'

For Lord Daer, *Dean of Faculty, Solicitor-General, Cullen, Morthland, et Cha. Hope.*

For the Freeholders, *Wight, Geo. Ferguson, Montgomery, et Busby Maitland.* Clerk, *Hume.*

G.

Fac. Col. (APPENDIX.) No 4. p. 16.

* * * This case was appealed :

THE House of Lords, 26th March 1793, ' ORDERED and ADJUDGED, That the appeal be dismissed, and the interlocutors complained of be affirmed.'

1796. February 24.

MACKAY against HOUSTON.

No 118.

IN the county of Sutherland, where enrolment is competent on lands held of a subject superior, the freeholder having refused to enrol a claimant, in respect his charter had been granted by a factor *loco tutoris*, for the superior, who was fatuous ; it was *urged*, That such act was beyond the ordinary powers of a factor, and moreover his nomination by the Court of Session had not been produced.—THE LORDS, on a complaint, ordered the claimant to be enrolled.—*See APPENDIX.*

Fol. Dic. v. 3. p. 417.

1802. March 9.

HONOURABLE GEORGE ABERCROMHEY against SPEIRS, and other Freeholder of Stirling.

No 119.

The eldest son of a British Peer may be enrolled among the freeholders of Scotland.

THE freeholders of the county of Stirling having refused to enrol the Honourable George Abercromby of Tullibody, advocate, because he was the eldest son of a British Peeress, he presented a complaint to the Court of Session, and *Pleaded* ; From the earliest periods of the Scottish Parliament to the reign of James VI. it appears, that every vassal of the Crown was entitled to a seat