

persons Interdicted (McKenzie observ. on d. Act 21) Any person having a protection current, till he renounces it Act 22 sess. 7 Parl. 3. W. and is able to be Elected Commissioners for shires or burghs. But it is not a sufficient objection against one having Voice in the Election, or being Elected, that he lies at the horn for a civil cause Act 21 Parl. 3 Ch. 2. The Law restraining the Election of Knights of Bouriess Burghs and burghs in England upon the Account of publick officers and persons from the Crown obtain in the Election of Commissioners for shires and burghs in Scotland. The sheriffs do ordinarily vote in the Election of Commissioners for shires; yet it is thought they cannot be Elected either for shire or burgh, Dalton Authority of sheriffs cap. 92. For the Word of Election Directed to Every sheriff bears this Clause, Nolumus Autem quod tu, nec Aliquis Alius Vicecomes Aliqualiter sit Elected.

None in Scotland are qualified to Vote in the Election of Commissioners for shires or burghs but such as are in possession by Infeoffment either in property or superiority of a 40 shilling land of old Extent distinct from the four Deniers of it that for, or lands liable to Gift or publick Burden in proportion to 400 pound of Value. About which the Extent appears not holden for, Ward, or Bench of the Sovereign as such, or as Prince of Scotland Act 21 Parl. 3 Ch. 2. The Reason why his lands must be of such Value distinct from the four Deniers is: because what is paid in Name of four duty for lands to the Superior, doth so much lessen the Vassal's rent and Real Interest, and is solum Nostrum est quod debetur Debitis Est Nostrum. V. G. If an heritor should have a four pound land of old Extent, and be liable to pay out of it three pound of four duty to the King, he hath in Effect but a twenty shilling land. Law requires Possession by Infeoffment of a forty shilling land: for neither doth the possessor without Infeoffment, nor Infeoffment without possession, subtile to a Vote. Heritors of Church lands of the four Deniers Extent or Valuation Now holden of the Sovereign, are liable Electors Act 21 Parl. 3 Ch. 2. But have No Vote, unless they be of

of the King as their Immediate Superior. And since it is in their Option to hold either of the Sovereign or Lord of Protection Act 53 sess. 1 Parl. 1 Ch. 2. It is presumed they shall hold of the latter, till it be instructed they hold of his Majesty McKenzie observ. on Act 21 Parl. 3 Ch. 2. Infeoffment upon a Charter or not, bearing Expressly a 40 shilling land of old Extent, but held by in so far as it contained a third part of land Infeoffed by an old Charter to be a 37 Mark land of old Extent, was sustained to afford a Right to Vote 11 June 1703 the Contra voted Election between Lieutenant General Ramsay and Sharp of Housloun for the shire of West Lothian. This objection was sustained Against an Elector that his Estate bore not that his lands Extended to the 20 Marks of old Extent Mentioned therein as distinct from the four duty ~~and~~ the four Deniers. Nor doth the Sovereign's Confirmation of a Charter of a 40 shilling land Intitle to a Vote in the Election of Commissioners for shires, unless the form be confirmed: since the Charter is only a personal obligation McKenzie ibid. Nor yet is an Heritor Qualified to Vote, by his receiving Infeoffment from the Sovereign supplying the Defect of the Immediate Superior who willingly lay by and delayed to Enter his Vassal's Infeoffments of property which Qualify one for Voting in the Election of a Commissioner for the shire, if Comprehend proper Wadsets and Express Appointments or Inducements which subtile to an Unquestionable Vote, unless a Decree of Declarator of Resumption, or a Voluntary Resumption Resignation or Renunciation, or in a Writ Under the Great Lord's hand be produced. But then the Appraiser or Assessor first Infeoffed only can Vote; Albeit others may come in pari passu with him, till the Extent or Valuation of their shares appear by Division Act 21 Parl. 3 Ch. 2. How it may be questioned, if an Elector have portioned who gets Infeoffable Rights without Division or Recompense to the Elector hath only his suffragij so long as the heretage continues with them in Common; tho' it be of that Extent or Valued Rent, as after Division would afford