

a freeholder 11 June 1703 The Contraversed Election betwixt  
 Lieutenant General Ramsay and Sharp of hand town for  
 the shire of West Lothian. For the same reason that he hath  
 not the benefit of the Courtship, or an Apparent heir  
 widon the benefit of a tenor, viz. because his wife was not  
 Infeft. If a life tenant who is qualified to Vote do not claim  
 his privilege, the free may lawfully Vote: but both free  
 and life tenant cannot Vote Act 21 Parl. 3 Ch. 2. Persons  
 Infeft for Relief or payment of summs are not privileged  
 to Vote, but not withstanding such Rights the grantor thereof  
 of Continuo habile Voters d. Act 21. Not only single hold-  
 ers, but also Incorporations, Bodies politick Infeft and in  
 possession of a competent free hold, have right to Vote in  
 the Election of Commissioners for the shires. And it  
 was resolved that a Burgh of Baronry might Vote by  
 their Delegates 14 March 1703 Pollock of that ilk and the  
 Young Laird of Ormes town contraversed Commissioners  
 for the shire of Ayr shire. Upon the Master of a hos-  
 pital Infeft in a 40 shilling land or land of 400 pound  
 of valuation being Church land holden of the King,  
 was found to have a privilege to Vote 6 August 1681 case  
 of the Double Election of the Lairds of Hair & Airth, Com-  
 missioners for the shire of Stirling. Quia si a burgh  
 Royal Infeft and in possession of a competent free hold  
 hath right to a Vote. Ratio Substanti is, because they  
 are otherwise represented in parliament as a burgh  
 Royal. Upon which Ground a Vote was Denied to  
 the town of Glasgow at the Election of a Commis-  
 sioner for the shire of Cliddale. But on the other  
 hand it may be thought, that they have as good right  
 to Vote: as particular Members of a town Council  
 have quia tales, a Voice in the Election of a Commis-  
 sioner for the burgh, and also in Virtue of their land  
 in the Country have a Vote in the Election of a Com-  
 missioner for the shire. For the law gives the privi-  
 ledge of Voting in the Election of Commissioners for

for shires, only to Vassals holding of the King as Sovereign,  
 or as prince of Holland Act 21 Parl. 3 Ch. 2. It would seem  
 that when there is a prince Existing, the Vassals of the  
 principality should not have a Voice in the Election of  
 Commissioners for the shire, because these hold not their  
 lands of the King but of the prince who is a subject. But  
 yet the Vassals of the principality do even in such a case  
 assume the privilege of Voting in Elections. For as hold-  
 ers in fee land may Elect, tho they be not actual Residents  
 here within the shire they Elect for, by an Unprinted  
 Act of parliament 1669: Seeing their Interest in the  
 shire consists not by their not Residences. The same Exc-  
 lude of land do the qualify free holders to be Electors, as to  
 Elect Commissioners for shires, Act 35 Sept. 1 Parl. 1 Act 21  
 Parl. 3 Ch. 2. Whether Ministers of the Gospel having  
 pastoral Charges being free holders have a Voice in the  
 Election of Commissioners for shires, I shall not take  
 upon me to determine: but they are incapable to be  
 Electors upon the account of their offices either for shires  
 or burghs. Therefore an order of parliament was issued  
 (21 May 1700) to Elect a New Commissioner for the burgh  
 of Linlithgow in respect William Hoggans who former-  
 ly Represented it was turned a Minister. It was also  
 solved by the Parliament of Scotland 15 August 1681 the  
 Double Election for the burgh of North berwick suited  
 contra Mailland and on the case of Sir Patrick Murray  
 commissioner for the town of Selkirk and the  
 case of Mr John Dempster commissioner for Jedburgh that  
 no person can be Elector Commissioner for a Royal  
 Burgh unless he be burgh and a Residing trafficker Merchant  
 therein. And by Acts of the Royal burrows, burghs and  
 were discharged to Elect other Gentlemen: because  
 these were not thought to Understand, or to be here  
 to the true Interest of Burghs; and such as desired to  
 be Electors to Represent Burghs, were often found to  
 have private Designs therein. But this is not obser-  
 ved, because burghs find their Account in having their