

No 185. is no ground for such a presumption in this case. Colonel Blair had been many years married, without having any children; and it is evident now, by the certificate of the Lady herself, which has been produced in process, that no nearer heir is to be expected. In fact, Mr David Blair has been served heir to his brother, which establishes a legal presumption, that there is none nearer.

The Court dismissed the complaint. Their Lordships, upon considering the two first grounds of complaint, expressed a decided opinion, that they were entirely without foundation. And, with regard to the possibility of Colonel Blair's widow being pregnant, it was observed, that the service now expedited was sufficient presumptive evidence of the contrary.

For Complainer, <i>Clerk, Ross, W. Erskine.</i>	Agent, <i>A. Young, W. S.</i>
Alt. <i>Solicitor-General Blair, Hay, Williamson, Cathcart.</i>	Agent, <i>A. Macwhinnie.</i>
<i>Clerk, Menzies.</i>	

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*Fac. Coll. No. 86. p. 190.*


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S E C T. VII.

Husband in Right of his Wife.

1745. *January 19.*

No 186.

FREEHOLDERS of LANARK *against* HAMILTON.

A HUSBAND cannot be enrolled upon his wife's right of apparenry; but must make up titles in her person.

*Fol. Dic. v. 3. p. 426. D. Falconer.*

\*\*\* This case is the second branch of No 11. p. 8572.

1781. *March 7.*

No 187.  
It is not necessary for the husband to wait a

CHARLES DALRYMPLE and JAMES BREMNER *against* JAMES FARQUHAR GRAY.

AT the meeting for electing a Member of Parliament for the county of Ayr, held in October 1780, Mr Farquhar Gray claimed to be enrolled upon the following titles :