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L E T T E R

TO THE

REAL FREEHOLDERS of
SCOTLAND,

UPON THE

BILL for Regulating QUALIFICATIONS.

EDINBURGH:

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L E T T E R, &c,

GENTLEMEN,

EVERY one knows that your province in the constitution has of late years been invaded, and that a gradual change has crept into the mode of your elections. Formerly the member for each county was chosen by a *poll* of the *real* freeholders legally qualified; and such was the clear intendment of all the election-laws from the beginning. But this right has in effect been taken from you, and, in its place, a certain aristocratical form substituted, by which each man assumes to himself so many voices as he can make *qualifications*; and, even those to whom the law meant to give no voice at all in the elections of counties, do now send their delegates to vote for them, who generally outnumber the real freeholders.

It

It is true, that, as this mode has not yet been carried to perfection, appearances are still so far kept up, that each elector gives only one vote out of his own mouth; but we must be very blind not to see that it is in substance the same thing, whether a man who can create ten votes upon his estate, stands upon the roll for ten votes in his own person, or places there ten men to vote for him. The former ought certainly to be allowed, when the latter becomes legal.

By making this small variation upon the plan, it will be rendered complete, and much confusion, delay, wrangling, and perjury, will be avoided. *Confusion*; because, by the present method of creating nominal votes, the rights of estates are often thrown into great disorder. *Delay*; because the enrolling a man for ten or twenty votes at once is much more expeditious than settling ten or twenty claims. Of late, our federunts have been so much lengthened, that it has been a question agitated, and concerning which the law is silent, whether a meeting of freeholders may be adjourned. *Wrangling*; for this I appeal to the judges and lawyers, and to the gentlemen of Forfarshire, who had almost ended the contest with their swords. *Perjury*; I am unwilling to say

say much about this ; let every man read the oath, and judge for himself. Gentlemen of honour feel it a very unpalatable oath, witness what happened at Air and Kirckudbright. It is at least a most extraordinary circumstance attending this oath, that of two men who are exactly in the same situation, one feels himself at liberty to take it, the other not.

If we must have an alteration of the constitution, let it be done *directly*, and in plain terms, not by fraud and perjury. Let an act be passed, saying, that every heritor holding of the crown, peer, or commoner, shall have as many votes as his man of business can invent *qualifications* upon his estate ; and that he may attend in person, or by proxy, to give these votes, without being obliged to employ a number of substitutes. This will at least have the merit of being a fair and open proceeding, and will be so far preferable to the disingenuous and mean devices which have lately been used.

At the same time, I must acknowledge, that it will be a new system, not founded on precedent, nor authorised by any principle of our constitution. The peers of Scotland are not all equal in rank, and in riches ; yet they have an equal voice
in

in their elections ; and it has never been thought, that a Duke should have more votes than a Marquis, and so on, down to a Lord Baron ; or that a peer, who has an extensive territory, should outvote one of smaller estate. In elections of boroughs, the electors poll equally, though one may be a dignified person, and possessed of considerable heritage in the borough ; another, undignified, and possessed of nothing but his right of burghership.

When the smaller Barons were in antient times obliged to attend personally in parliament, we do not find that they voted there according to the extent of their possessions, or in any other manner than *per capita*. Afterwards, when their attendance was dispensed with, they were allowed to chuse their representatives, and each freeholder had one voice, and no more, in the election, whatever his estate might be.

In James the Sixth's time, it was thought proper to fix a minimum, below which no person should vote ; but every freeholder who had a 40 shilling land, or more, in free tenantry, was equally qualified. By act 1681, L. 400 of valued rent, and 40 shillings of old extent, were put upon the same footing ; and there the qualification

cation has rested ever since. By these statutes, and by every subsequent one, it has been uniformly taken for granted, that, except a casting-voice to the preses, every freeholder possessed of the minimum, or above it, stood upon an equal footing; and it never was the idea of the legislature that there should be different classes of freeholders entitled to vote, one class superior, another subordinate; one man having right to many votes upon his estate, another to fewer, and a third to one vote only.

In the 12. of Queen Anne, an oath was devised to debar voting upon estates held *in trust*. Nothing is there said about *nominal and fictitious* votes, because they were not then known or practised. In the beginning of George Second's reign, some attempts were made to create nominal votes; but a check was given to them by the act 7. of that King, ordaining every person claiming a vote to swear, not only that he did not hold the estate in trust, and had given no back bond, but that his title was not '*nominal or fictitious*, created or reserved in him, in order to enable him to vote, but was a true and real estate in him, for his own use and benefit,' &c. In the 16. of the same King, the well known act was passed, which, *inter alia*, contains a clause declaring, 'That votes had been unduly multiplied by
' splitting

‘ splitting and dividing the old extent;’ and therefore enacting, that no person should be entitled to vote in respect of the old extent of his lands, without proving it by a retour, before the 1681. At the period of this act, the operation of dividing *valuations*, in which our practitioners are now so expert, appears to have been little known, except in the case of real sales; and, therefore, no notice of it is there taken; and, it seems to have been thought, that the proviso against dividing the *extent*, added to the *oath*, was a sufficient bar against all fictitious votes, which were then very sparingly used.

Spotiswood’s book upon the law of elections does not say a word about splitting valuations. Wight’s treatise lately published is full upon the subject.

Even so far down as 1753, a gentleman having divided his valued rent, and created *three* votes in the county of Caithness, which came to be the subject of discussion before the Court of Session, this was considered as a novelty; and a lawyer of great experience, then at the bar, speaks of it in one of his papers in the following terms. ‘ The attempts made by the complainer
 ‘ *in this case*, are equally competent to be
 ‘ *made in any other county* in the kingdom; and,
 ‘ if

‘ if they are to fucceed, will bid fair, in a little
 ‘ time, to reverfe the plan of the conftitution.’
 This prophecy feems in a great meafure to have
 come to pafs.

The fystem of vote-making has fince been car-
 ried to an amazing pitch, and chiefly at the two
 laft elections; in fo much that, the ufual places
 of meeting are not now able to contain the num-
 bers of voters; and, in fome inftances, they have
 been obliged to adjourn to the parifh-church, in
 order to avoid being fmothered. Our prac-
 titioners have acquired a degree of fkill and dex-
 terity in this art, which does honour to their a-
 bilities. We have had inftances of divifions fo
 nicely made, that each man has got his L. 400 of
 valuation, without a fraction in or over; that is,
 he has got it upon *paper*, for it is not meant that
 he fhould have it any where elfe.

The feparation of the property from the fupe-
 riority is an eafy device; and an ingenious gentle-
 man at the bar lately invented a method to fave
 even the expence of renewing charters. The
 mode is very fimple; take no infeftment in the
 fee, and, as foon as your liferenter dies, or renoun-
 ces, you make a new liferent upon your old
 charter, and fo on *in infinitum*.

It was with some astonishment I lately read a paper in the Scots magazine, which says, That, if the bill passes, which is now in agitation, for cutting off wadsett and liferent (i. e. nominal and fictitious) votes, it will be a gross violation of the antient constitution, *by diminishing the number of voters*. If the tendency of this bill were to diminish the number of *real* voters, I would join most heartily with Mr A. B. in condemning it; but I understand it to have the direct contrary effect; and I understand what he calls a *multiplication* of votes to be in reality a *diminution* of them. It is evident, that every thing which impairs the right of the real freeholders must operate precisely in the same way as if their numbers were diminished. The introduction of nominal voters upon the rolls has clearly the former effect; and therefore is equivalent to the latter. It brings in also the peers to vote indiscriminately with the other freeholders, and to over-balance them.

We are told, that the Scots peers have not a sufficient representation in parliament by the election of their sixteen, and that we ought to admit them, by themselves, or their proxies, as *voters* in the county-elections. The next step will be, to admit them as *members*.

The

The articles of union are not more against the one than the other. But, supposing we were to receive them as freeholders, and to consider them as mere commoners, does it follow that we ought to give up our rights to them altogether, by allowing them to vote according to their estates, and not *per capita*? As matters are now conducted, a Scots or an Irish peer, or a man of great estate, (no matter whether peer or commoner,) may, in some counties, make the election by the mere operation of his own estate. He has nothing more to do than to send for his conveyancer, rummage his charter-chest, divide his cumulo valuation, and raise up a fabric of paper-votes, superior at once to the old established roll of the county. If the alteration is made, which, upon this plan, it ought to be, of allowing each man to vote in his own name, so many times as he has *qualifications*, he will come to the meeting, and tell the clerk *who* is to be the member for the county, or perhaps send his agent to do it, as it would be too much trouble for him to attend in person upon such an occasion. We will then be much in the same state with the Roman people when Tiberius took the *jus suffragiorum*
from

from the comitia, and conferred it upon himself and the senate.

Viewing the matter in this light, I cannot help thinking that great injustice has been done to the families of Sutherland and Reay; for the act 16. of his late Majesty allows the right of voting in the county of Sutherland to the vassals of these families, owing to the supine ignorance of our legislators at that period, who imagined that peers could not vote, nor even dispose of their superiorities, for the purpose of making votes, and therefore, as a great part of the county of Sutherland was held of the Earl of Sutherland and Lord Reay, the statute has very unjustly and foolishly enacted, as to that county, ‘ That where lands are now
 ‘ holden by any baron, or other freeholder, im-
 ‘ mediately of the King or Prince, such baron or
 ‘ freeholder shall be capable to be elected, and
 ‘ shall be entitled to vote for those lands; and no
 ‘ vassal or sub-vassal of the said baron or freehold-
 ‘ er shall have right to vote, or to be elected in
 ‘ respect thereof; and that, where lands are now
 ‘ holden, or shall at any time hereafter be holden
 ‘ of the King or Prince, by a *peer* or other person,
 ‘ or body politic, or corporate, *who by law are*
 ‘ *disabled* to be a member of the house of com-
 mons,

‘ mons, or to vote in such elections ; in such cases,
 ‘ the proprietor and owner of such lands, and not
 ‘ any of his superiors, shall be entitled to vote, or
 ‘ to be elected, in respect of the same lands ; and
 ‘ that *no alienation of the superiority to be made by*
 ‘ *such peer, or other person, or body politic, inca-*
 ‘ *pable to elect, or to be elected, shall deprive the*
 ‘ *proprietor and owner of the lands of his right to*
 ‘ *vote in the elections for the said shire, or his ca-*
 ‘ *capacity to be elected ; nor entitle the purchaser*
 ‘ *of the said superiority to vote, or to be elected ;*
 ‘ and that the property of lands of the valuation
 ‘ aforesaid, holden in part immediately of the
 ‘ King or Prince, and in part of a peer, or other
 ‘ person, or body politic, incapable to elect, or to
 ‘ be elected, shall be a sufficient qualification to
 ‘ the proprietor and owner of such lands, and shall
 ‘ entitle such proprietor to vote, and to be elected
 ‘ for the said shire.’

Had our law-givers in 1743 been as wise as our
 practitioners are now, they would have seen that
 the Earl of Sutherland and Lord Reay could
 create as many votes upon their estates as the
 Lords of other counties, and were as well entitled
 to create them.

My friend A. B. seems to think that we are
 making a prodigious innovation upon the antient
 law

law of Scotland when we cut off liferents and wadsets, which were allowed by the statute 1681. But, let us consider how this matter stands. When the act 1681 was made, a wadset of land-property was a common mode of security in Scotland ; being a species of mortgage, which, in consideration of a sum of money advanced, gave a real and substantial interest in land, by enabling the mortgagee to draw the rents during the not redemption ; and, when it was of that kind which was known by the name of a *proper wadset*, the rents belonged to him in lieu of the interest *unaccountably* ; so that a proper wadset was nearly of the same nature with a sale of the lands, under reversion. The wadsetter, therefore, being in effect interim proprietor, it seemed very just to give him the right of voting, if the lands were of sufficient extent or valuation ; and if such wadsets were now in use, I should not object to their still having this right annexed to them. But it is a fact notorious to all Scotland, that, for half a century past, there has scarcely been one instance of a proper wadset constituted in the way of security for money, or for any other purpose than to create *fictional votes* ; and it is not much more than 20 years since the first attempts were made

made to create votes in this way. The very manner of their creation affords the clearest proof that a security for money is not intended, for care is always taken, in the first place, to separate the property from the superiority of the lands, and to wadset only the *naked superiority*; a thing which yields no rent or revenue of any kind, except an elusory feu-duty of perhaps a penny Scots *per annum*; and no man of common sense will pretend that any other thing is meant by such a transaction than to create a fictitious vote.

The cutting off such wadset-votes is no alteration of the antient law, or established constitution, but the reverse. Our statutes do expressly condemn *nominal* votes, and in so doing they condemn all votes upon wadsets, *as they are now practised*; for I will venture to affirm, that there is not one wadset-vote upon any roll in Scotland but is as rank a nominal and fictitious vote as can be framed.

As to *liferents*, it will be observed, that, by the proposed bill, the right of voting is not meant to be taken from such liferenters as actually possess the lands, by having the *property* in them during their lives. It only cuts off liferent-votes upon *superiority* separated from property ;
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and, even in that case, makes an exception of the husband's right by the courtesy ; so that this act can have no effect against true and real liferenters, who have the right in them by family-settlements, or other fair transactions, independent of the practice of vote-making. A father sometimes divests himself of the fee of his estate in an eldest son's contract of marriage ; but then he reserves the *property* during his life ; and in such case his vote is not hurt by the present bill. I believe it will be difficult to find an instance of a liferent of bare superiority being reserved or constituted in family-settlements, or in any other sort of transaction than that of making votes ; for it is plain that such a liferent is a mere shadow, not of any intrinsic value, and therefore never made or thought of for any other purpose than that of voting ; or if, by accident, an instance to the contrary were found, the impossibility of distinguishing the real from the fictitious kind would make it necessary that there should be no distinction in the proposed act, otherwise the law would be again as much evaded as ever. The most common method *now* of making fictitious votes, is in the way of liferent, because attended with less expence, owing to the ingenious discovery

above

above mentioned ; and therefore we do nothing at all, unless we insist to cut off, by the lump, all life-rent-votes of superiority separated from property. This is no alteration of the law ; because every one who reads the act 1681, and who inquires into the progress of the law, must be satisfied that the life-rents there meant were not such as are now practised in the art of vote-making : And further, we ought to consider, that, when we only cut off the life-renter, and still allow the right of voting to the *fiar*, even of a naked superiority, we leave the estate in possession of a vote. The life-renter and *fiar* have two separate interests in *one* estate, but which cannot give both of them a right of voting at one and the same time. This was provided against by the act 1681 itself ; so that the only effect of this part of the bill is to restrict the right of voting to the person who has the most substantial interest, viz. the *fiar*.

Every impartial man must be satisfied that the bill in question does not hurt any one real and fair voter in the kingdom ; that it does not diminish the number of real votes, but has the contrary effect, by extinguishing the nominal votes, and of course giving exertion to the real ones.

It will only cut off those who were never meant to be upon the roll, and who have been placed there, by very unfair devices, against the spirit and intention of the whole election-laws.

I have heard it gravely advanced as an argument against the bill, that it would be a strong measure to *disfranchise* such a number of people standing upon the rolls, who are presently understood to be unchallengeable before the courts of law. Strong to disfranchise whom? a parcel of phantoms! How came they ever to be enfranchised? The argument supposes them to be good legal voters, which I absolutely deny. They derive their aërial beings, not from the law as it now stands, or ever stood, but from a *perversion* of the law. It is ludicrous to talk of disfranchising those who are notoriously known to be mere proxies, who consider themselves as such, not receiving a substantial *right* on their own account, but conferring a great *favour* upon the person for whose behoof they act. The statute 16. of the late King at once cut down all votes upon retours since the 1681. This was going farther than the present bill, which only rectifies a *recent* practice, reprobated by the sense of the country, unwarranted in the opinions of lawyers, expressly

disfranchis-

dissallowed by the judgments of the law here, and deriving its whole authority from a *misconstruction* of some judgments of the House of Lords ; for it could not possibly be meant by that most honourable House to give a sanction to nominal and fictitious votes.

Another argument used is, that a man of large estate having more interest in the land-tax, than a man of small estate, ought to have more votes in the election of the county-member. I must own, Gentlemen, this appears to me a very singular conceit. By the same argument, every brewer who contributes to the duty of excise, every trader, and every mechanic, on account of the interest he has in taxes, may put in his claim to a much larger share in the representation ; every proprietor of land, holding of a subject may, by the same rule, and with better reason, complain of being excluded ; for it is generally the proprietor, and not the superior, that pays the land-tax. But, in reality, a man of large estate does not pay a greater proportion of land-tax, compared to the rental and value of his lands, than a man of smaller property ; and, when we consider that the minimum, which has been fixed for the right of voting, is L. 400 Scots of valued rent, or 40 shillings of old extent, both

of which are pretty considerable estates, we need be under no apprehension, that real freeholders, possessed of such an estate, will be disposed to give up any point as to the land-tax, merely because other men may have greater estates. For example, let us take a dozen of land holders in any county of Scotland, of whom one half possess estates of L. 500 sterling *per annum* each, the other have three or four times that rent; have we any reason, from experience, to think that the latter will be better citizens, or more attached to the laws of their country, than the former; that, in general, they will not all have an equal regard to the subsistence and welfare of that society under which they live, the same interest in taxes, and all other public business, or that the gentlemen of moderate fortunes are in greater danger of being bribed, than those whose rents may be higher, but whose expence will in proportion be greater?

We are next told, that this bill is against the *interest* of the *Peers*, and will be opposed by them in one of the houses of parliament. Be it so, Gentlemen. What then? Is this a reason why you should tamely give up your rights, without the least struggle or effort to preserve them? Is the *right* of the freeholders, founded on the constitutional

stitutional laws of the kingdom, to be sacrificed to the *interest* of any other body of men? At the same time, I cannot help thinking that there is some mistake in the proposition thus assumed, and that those who hold such a language have not duly considered the real interest of the nobility of Scotland, and of the most respectable families in it.

That this bill may be against the interest of some individuals who have no other sort of political interest or weight in the country, than that which arises from the mere operation of making votes, who must use their estates as an engine to create a false unconstitutional interest, having no other materials to work with; that there are such men in the country, both lords and commoners, and that those men will do what they can against the bill, is extremely probable; though I scarce think they will have the boldness to appear openly and avowedly in opposition to it. But, whatever such men may do, the case must surely be very different with regard to those who have other and more honest methods of acquiring and maintaining that political weight in the country, which their elevated situations entitle them to have.

Such

Such of them as enjoy their estates under the fetters of strict entails, will do well to consider, that they stand upon a very different footing from those who hold their estates in fee simple. We all know, that some of the most antient and respectable families in the kingdom are in that situation; and that every nabob or founder of a new family must be in a different situation, until he chuses to make an entail, in which he may insert such clauses and conditions as he pleases; and, in time coming, if the present bill does not pass, it is to be presumed, care will be taken to insert, in every *new entail*, an express clause allowing liferent and wadset votes. I am informed, there was a late case before the court of session, where a gentleman of considerable estate, and of as respectable a family as any in the country, attempted to make a few votes upon his entailed property; but a remote heir of entail who happened to be on the other side of the question, immediately challenged his votes, and set them aside, though numberless votes of the same kind were made at the same time in all the counties of Scotland, by gentlemen not better entitled, but who had their estates more at command. This is a mortifying circumstance, and which must operate to the prejudice

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of some of the noblest and best families in the country, who, if they cannot break their entails, must surely of all men be the most forward to promote the present bill, as, without it, their interest can no longer exist, and they must be trampled upon by every upstart.

Some of them, it is true, have superiorities, upon which, by playing fast and loose with the *ward-act*, they may make votes without contravention of their entails. But this, I suspect, will not go far, unless we also allow frauds against the *tailzie-act 1685*. Indeed, if we once break in upon the statute-book, I do not see why one act of parliament should be more sacred than another. It has generally been thought, that the *tailzie-act* was less entitled to favour than most others. Let us not then stick at trifles. *Tailzie-act*, *ward-act*, *election-acts*; let them all go together. Let us have an entire new code of laws, such as our vote-makers shall be graciously pleased to give us.

But, suppose these gentlemen under no difficulty from their entails, observe what the consequences to themselves will be, of their making votes. I grant you, the operation is *very easy*, if we look no further than the execution; and
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people are apt to think it very convenient, who only consider the present job. But, in the *first* place, until they obtain the liberty of *self-voting* for their whole qualifications, they must employ counterfeit voters; and these meagre gentlemen must be well used, and must have countenance and favour shewn them for the services which they perform. *2dly*, If votes are to be made upon entailed superiorities, another class of men must be dealt with, viz. the vassals, who must be courted and gained by the vote-maker; for, without them, not one step can be taken; and all this to save him the trouble of being civil to the real freeholders. This is a little hard. The real freeholders are left out altogether: Vassals, and nominal vote-holders, are brought in. What advantage does this give to the vote-maker? Clearly no fair advantage. The object in view is, that the person who makes the votes may be independent of all civility, attention, or intercourse of habits, with gentlemen of more moderate property in the country. Now, I would beg leave to put it home to their minds, whether, upon cool reflexion, they would rather wish to lie under a political obligation to a few gentlemen in their neighbourhood, for which no other return than

than a little discretion is required, or, in place thereof, would chuse to lay themselves under the necessity of employing a tribe of needy retainers, who expect gratifications of another kind, *Impenis coenarum, et tritae munere vestis ?*

Further, I have heard lawyers say, that votes cannot well be made, without being introductory of many evils with respect to the rights of lands. If we could have superiors without vassals, our paper-votes would be attended with less harm ; but, unfortunately, the *dominium utile*, or property, which is in the vassal, hinges upon the *dominium directum*, which is in the superior. The vassal's heir must have an entry, otherwise his titles are incomplete ; he is no more than an apparent heir, and cannot so much as make a settlement of his succession, or grant a bond of provision to a younger child. A singular successor, too, or an adjudger, must have a charter, otherwise his right will only be personal. The whole land-property of the kingdom, the interest and safety of creditors, the security and quiet of the subjects of this country in their most valuable rights, will be materially affected, if we lose sight of the connexion between superior and vassal, and if feudal titles cannot with ease be completed in the known legal and accustomed modes. Now, I shall suppose

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that

that some of our nominal superiors happen to go to America, or to other parts of the globe, and it is not known whether they are dead or alive, How are heirs or creditors, or singular successors in the property, to make up their titles? It will be said, that, if they cannot get an entry from the immediate superior, after charging him with horning, they may go to the crown. But this is at best a violent remedy, which is never eligible, and the practicability of it may be doubted, in the case where it is uncertain who is superior.

If the vote be of the wadset-kind, it will not be easy to redeem the wadset. The form of redemption is at any rate attended with difficulty; but, if it be a matter of doubt whether the wadsetter is in life or not, whether he has left a son, or who is his next heir, the difficulties will be much increased. If he be a liferenter, and has gone to some distant clime, which may often be the case with those light-footed gentlemen, I suppose we must wait patiently till the legal presumption of death shall take place, at the end of a hundred years from his nativity. If it should be necessary, in the mean time, to sell the lands, to make up titles to them, to exchange or make any transaction concerning them, How are matters to be managed?

If

If a question should arise about any of those rights which depend on the valued rent, is it understood that the right is in the nominal voter, or in his constituent? A man who is a good voter ought of course to be qualified for being a justice of peace, a commissioner of supply, a trustee upon roads, and to have privileges, jurisdictions, and powers of various kinds, which the law of Scotland confers upon the land-holders of this country. I should be glad to know whether he is also subject to the burdens attending the valued rent, such as building the parish-church, paying the school-master, &c. In practice, we do not find that these nominal gentry take much *burden* upon them.

Allow me to put another question. It has generally been supposed, (whether justly or not, I cannot say,) that the act 1685, giving the exclusive privilege of hunting to L. 1000 Scots of valued rent, is at this day the law of Scotland. *Quæritur*, Suppose a man not worth a groat is employed as a nominal voter in three different counties, whereby, *ex facie*, he has L. 1200 of valuation, Is he at liberty to go through every man's grounds at pleasure, and kill all his game?

I have

I have been told, that the multiplication of infeftments ſince vote-making grew to a height, has been ſuch, as to make it much more troubleſome and expenſive to ſearch the register of feifines than it was before ; and that in time this will become an intolerable grievance ; ſo that the boaſted ſecurity of our records will in all probability be ſoon at an end. I take it to be a matter of doubt whether the register-houſe now building at the expence of government will be ſufficient, in half a century more, to hold the political feifines.

The very increaſe of title deeds is an inconvenience which will be ſeverely felt. Formerly, a man held his eſtate by charter and feifine, and his titles being ſimple and clear, were eaſily managed. But now, if he unhappily betake himſelf to vote-making, he muſt have titles within titles ; truſt conveyances of the property to a friend, in order to make a ſeparation of it from the ſuperiority ; re-conveyances in order to bring it back ; infeftments upon both ; diſpoſition of the ſuperiority to the intended voter ; aſſignation to the unexecuted precept in the crown-charter ; infeftment in the voter ; when the job is done, it may be prudent to get back the ſuperiority, and to
reſtore

restore matters to where they were, and then a troublesome operation of *reconsolidating* ensues. In place of one simple investiture, many writings become necessary, and a variety of forms must be used. When titles and forms are multiplied, flaws and objections will be more frequent, and these may prove fatal to the interests of many innocent persons.

These disadvantages seem greatly to overbalance any little paltry benefit which our great men can derive from the practise of making votes. Besides, did they not hold their due share of influence in elections before any such thing was known or thought of? Must not every man of high rank and of great estate, who acts as he ought to do, be more or less possessed of such an influence, which he can easily preserve by common civility to those connected with him, and to the gentlemen around where he lives? Some, of the first class of our nobility, are known to have extensive personal and family connections; some of them stand high in the estimation of the country; all of them have opportunities of doing great good. It is in this manner, and through these channels, that they ought to hope for securing a political interest. They will be reduced
low

low indeed, if they must have recourse to the *machinery* of an estate, in order to supply the want of that natural and fair influence which their own merit, and the attachment of others ought to produce.

Do any of our great men wish to lay aside all general influence arising from birth, rank, fortune, and eminent situation in the state? To reject even the advantages of hereditary and family attachment, to say nothing of personal interest? Do they mean to teach their sons, that it is unnecessary for them to visit Scotland once in seven years? Is it their desire that their families should become aliens to their country, unconcerned in its affairs, and to be held as of no consequence in any public deliberation, or in any general measure regarding Scotland? Is it their sole ambition to make the whole, or the half, or the fraction, of a Scots member of parliament, by means of an estate, in opposition to the wills, and in defiance of the rights of the legal voters? If there are men who think in this way, and whose only object is to *manufacture* a member of parliament, as if they were turning him in a loom, they ought by all means to oppose the present

sent bill; for, I must acknowledge, that it is very ill suited to their views.

The practice of vote-making will go far to extinguish every honourable sentiment in the country; it will reduce our great men to a *level* with those who may not be *great*, though they have good estates. It must introduce the very worst kind of aristocracy in elections, or rather oligarchy, by putting us under total subjection to a few men who have no tie upon them to pay the least regard to us, or to merit well of their country.

Where shall we be at the next election, when we see how things are going on at this very Michaelmas? The lists of claimants are published in the news-papers. In the single county of Lanark, no less than 91. And, when we come to examine who they are, and to put the usual question, *who made them*, we receive for answer, that of the 91, no less than 89 are fictitious! I shall not say by whom made. This is too outrageous an abuse to be longer suffered.

In a word, Gentlemen, the matter has become very serious to you, and to the country; your existence as freeholders, and even as *free-men*, depends upon the success of the bill now proposed. I hope we have some remains of feeling left, and
that

that we shall embrace this opportunity of supporting a measure, by which alone we can ever expect to be rescued from disgrace.

I have the honour to be, Gentlemen, one of your own number.

C. D.

Aberdeenshire, }
Sept. 1. 1775. }

