

MEMBER OF PARLIAMENT.

1738. *February 23.* ROBERT ROSS, *Supplicant.*

THE Lords granted warrant to the Chancery to issue a commission to the Sheriff of the shire to take trial by an inquest for dividing the old and new extent of a large Barony, at the instance of one having right to only a part of that Barony, and to ascertain his part of the said old and new extent, and that agreeably to several old precedents quoted from the records of Chancery. Lord Leven Reporter. No. 1.

1740. *December 5.* ELECTION OF BERWICKSHIRE and of the MEARNs.

THE Lords found that the freeholders at the Michaelmas head Courts may alter the rolls of elections, notwithstanding the act 12th Annæ, and that by deleting or expunging out of the roll, or by adding apparent heirs or husbands in the rights of their wives, but that they cannot add new purchasers who had not been enrolled and voted at former elections; and found that the Court of Session was by the act 1681 competent by summary application to judge of their proceeding. *Vide* Case of Sutherlandshire, *infra*. *Vide* Election of Dumfrieshire, *infra*. No. 2.

1740. *December 11.* ELECTION OF BERWICKSHIRE.

WHERE no particular objection is made at the Michaelmas head Court to freeholders upon the roll, but in general they had not a sufficient qualification, and therefore should be expunged, though this head Court there- No 3.

- No. 3. upon intimated a diet to the parties to appear before the Session, yet no summary application is thereupon competent to the Court of Session, and for that reason Sir John Sinclair's petition was found incompetent.

1741. *February 10.* ELECTION OF DUMFRIESSHIRE.

No. 4.

FOUND that the Privy Council had no power to dismember shires, nor had they properly done it in this case, and therefore repelled the objection, that the five parishes of Eskdale were annexed to Roxburgh, 26th November 1746, *vide* unprinted acts 1672, act 8th. *2do*, Refused even on consent of parties to determine objections that had not been made at the Michaelmas meeting, notwithstanding that meeting's resolution not to receive objections but upon alterations since the former meeting. *3tio*, Found a charter by a subject superior in _____ on which a late retour proceeded in 1737 bearing the old extent, sufficient evidence of it. *4to*, They found new purchasers infeft, though not year and day, might be enrolled. *5to*, Found that charters in 1631 and 1681 in Church lands expressing the old extent, were no sufficient evidence of that extent, or that they were extended;—but stopped upon a bill. (See NOTES.)

1741. *February 13.*

ELECTION OF MEARNS.—SIR JAMES CARNEGIE *against* STEWART of Inchbreck.

No. 5.

A VASSAL holding of a person forfeited, and who held of the Crown, getting a charter in common form (*ratione forisfacturæ*) in Exchequer, but not upon the Clan Act, though that superiority may be sold by the Crown, yet till it be sold, he is the Crown's vassal, and entitled to vote at elections and to be enrolled. If one have property and superiority which had been extended jointly, and have disposed the superiority to his son, who disposed the half of it to another, who obtained a brief or warrant for dividing the old extent of the property lands reserved by the father from the superiority, and then divided the old extent of the superiority; the Lords found there was no proper warrant for making the division, and that he could not on that title be enrolled. (See Case of Aberdeenshire, 12th February 1745, *infra*.)