good majority, that in so far as the Michaelmas courts were still in force, summary application to the Court of Session was still competent. Then the question was proposed by the President, Whether the Michaelmas courts could add to the roll apparent-heirs and husbands in the right of their wives? but Arniston (for what reason I know not) moved that the first question should be, Whether new purchasers could be added? and it carried in the negative. In this case I was for the negative as I had declared the day before; and Monzie did not vote; but what seemed odd was, that Haining, who had given his vote against their having any power of alteration, now voted that they had power even to add new purchasers. The rest divided as formerly. Last of all the question was put as to the power of adding apparent-heirs and husbands? and it carried by the President's casting vote, that they could be added. Here Haining and Monzie both voted for the power, as I did according to the opinion I gave from the beginning. But something also seemed odd here. Kilkerran who voted for the power of adding new purchasers, yet because it carried in the negative voted against the power of adding heirs or husbands, as a necessary consequence of the former interlocutor. *Vide* Election of Sutherland, (No. 7.) where we found by the President's casting vote that purchasers may be added.

No. 3. 1740, Dec. 11. ELECTION OF BERWICKSHIRE.

THE Lords found there being no particular objection made to the defender continuing on the roll at the Michaelmas court, the application to this Court was incompetent.

No. 4. 1741, Feb. 3, 10. ELECTION OF DUMFRIESSHIRE.

THE Lords agreed that the Privy-Council had no power to dismember or annex counties; and 2dly, that if they had power it was not properly done, being only interponing their authority to a private contract without any word dismembering or annexing *per verba de presenti*, and therefore repelled the objection to the titles of the freeholders in the five parishes of Eskdale, as said to be in the shire of Roxburgh in virtue of the said act of Council.—10th February, The Lords refused even of consent to determine objections that had not been made at the Michaelmas meeting notwithstanding their resolution not to revise the roll except as to alterations since last Michaelmas; 2dly, They found that charters by subject superiors in 1611 on which there was a late retour 1737 bearing the old extent, were sufficient evidence. *Pro* were Drummore, Tinwald, Balmerino, Murkle, and President. Against it were Justice-Clerk, Minto, Leven, *et ego*. These did not vote, Strichen, Arniston, Kilkerran, Monzie.

3dly, As a consequence of the judgment given the 6th instant in the shire of Sutherland, *quoad vide* (No. 7.) finding that new votes may be enrolled, they found that persons infeft though not year and day may be enrolled; 4thly, A charter in 1681 and 1631 in church-lands bearing L.4 of old extent, was found no sufficient evidence of the extent, or that these lands were extended. (See No. 17.)

No. 5. 1741, Feb. 13. ELECTION OF MEARNS.—SIR JAMES CARNEGIE *against* STEUART of Inchbreck.

THE Lords found that there was no sufficient warrant for dividing the property lands reserved to Inchbreck, and the superiority lands disponed to Dr Stuart and Skene, and