

showed the proceedings upon which the petitioner was refused to be enrolled, and whereby it appeared, that the petitioner's lands, under which he claimed, called Doul, remained extended jointly with other lands then belonging to the same heritor, to L.4 old extent as late as 1613, as appeared by the tax roll of that year, which was an evidence that there had been no lawful division before that time, and consequently that Doul was not a 40 shilling land at the date of the charters 1602 and 1609. 2dly, That by the valuation book, these other lands jointly extended with Doul in the 1613 stand valued in the re-valuation of that shire at L.639, whereas these lands of Doul, joined with the petitioner's father's lands of Balbougie, which last are L.4 land, are valued at L.535, and consequently, were there a division of the old extent of these other lands from Doul, the lands of Doul could hardly be L.1 land; and though it was said for the petitioner, that the reason of the high valuation of these other lands was, that the proprietor had purchased other lands that now went under the same name, and were jointly valued with them, yet that still rendered it the more doubtful what the old extent of them was, and consequently what was the old extent of Doul;—and therefore we found, that the petitioner had brought no sufficient evidence of the old extent of his lands of Doul, and refused his petition. 21st January The Lords adhered, and refused without answers. *Renit.* President.—But Arniston argued strongly for the judgment.

No. 18. 1742, Jan. 21. LORD ROYSTON, Liferenter, and CAPTAIN M'KENZIE, his Son, Fiar,—Ross-shire.

THE question was, Whether Royston, being upon the roll, his son Captain M'Kenzie could also be enrolled as fiar, so as to vote when his father shall not claim?—and the Lords found that both might be enrolled at the same time, but with a *proviso* and quality to Captain M'Kenzie, that he shall have no vote at meetings for elections, or making up of rolls, but when the father is not present or does not claim a vote at such meeting.

No. 19. 1743, June 28. FREEHOLDERS OF EDINBURGH, *Supplicants*.

THE question was on the construction of the last act of Parliament, Whether we could receive a complaint against persons standing upon the roll till after Michaelmas next? and without a vote we agreed we could, *sed renitente* President.

No. 20. 1743, July 20. LORD ROYSTOUN'S COMPLAINT.

ROYSTON complained that the last Michaelmas court in his absence and without any notice given him to produce his writs had expunged him out of the roll, on which he had stood from 1708, against which Lord Fortrose had protested and required the meeting to attend this court 15th January last for a determination, and therefore praying redress. We then allowed him to serve the parties concerned with a copy, and he served the person who in the minutes had objected, and the President of the meeting, who put in answers, and parties being heard, we found that this complaint was competent notwithstanding the late act concerning elections, (*quibusdam renit. inter quos* President, as I thought,