old extent no more than it would be of the valuation; but that legal evidence behoved to be brought of it in a proper Court, and since there does not appear any legal division of the extent, Westburn has no title, and by the act 1743 no division after 1681, or to be now made, can avail;—and it carried by the President's casting vote to sustain the objection. 7th February, Adhered as to Westburn.

No. 27. 1745, Feb. 13. BREBSTER'S CASE,—CAITHNESS-SHIRE.

THE question was upon Sinclair of Brebster, Whether he had right to vote at elections (which came before us pursuant to the late act 1743) who was infeft in lands, and teinds of his own lands valued above L.400, whereof the teinds had been separately valued in 1702 at L.62, but without these teinds the valuation did not amount to L.400? The Lords found he had a title. Kilkerran spoke against it, but did not vote. Strichen voted against it, and Arniston was absent. The rest were I think for it.

No. 28. 1745, Jan. 5. SIR WILLIAM MAXWELL'S CASE,—LANARKSHIRE.

THE Lords unanimously repelled the objection to Sir William Maxwell's sasine that the witnesses had not signed the pages; and 2dly, that the notary had not in his attestation numbered the leaves;—and sustained Sir William's vote.

No. 29. 1745, Feb. 5. CASE OF DUNBARTONSHIRE.

THEY found the books of Chancery were a public record, and sufficient evidence in terms of the late statute of the old extent, though the special retour was not to be found; and sustained the Duke of Lennox's retour (which was the subject of the question) sufficient evidence, though in the *valen.* clause they were not separately valued, but they were all separate in the descriptive and other clause, and the total in the *valen.* clause was L.1. 16s. 8d. Scots more than the particulars, which was but a small *error calculi* where there were 72 articles.

No. 30. 1745, Feb. 6. CASE OF ROSS-SHIRE.

MR M'KENZIE of Seaforth having in terms of the act 1743 complained of Monro of Teananich and others, and served them with it upon our warrant, they notwithstanding thereof at Michaelmas last turned them out of the roll, upon which Monro, &c. complained. Upon answers we found the freeholders had no power to turn them out of the roll, and that therefore they were to be held as still on the roll, but prejudice of such judgment as shall be given in the other complaint against them, and found them liable in L.10 sterling of expenses and expense of decreet;—but we would give no judgment against Seaforth because of privilege, nor against Gorloch because his dwelling-house not designed in the execution.

No. 31. 1745, Feb. 7. CASE OF HAMILTON OF WESTBURN.

See Note of No. 23, &c.