

No. 32. 1745, Feb. 12. CASE FROM ABERDEENSHIRE.

ON a complaint Lord Braco, &c. against certain freeholders in Aberdeenshire, the like question occurred as we decided 19th December 1740, (No. 5.) betwixt Sir James Carnegie against the Freeholders of Mearns, Whether vassals of forfeiting persons who now hold of the Crown but took not the benefit of the Clan act, and therefore their superiority may still be sold, I say, whether they are entitled to continue on the roll while they so hold of the Crown, agreeably to 25th act Parl. 6th, Jas. II. ? And we found they were.

No. 33. 1745, Jan. 25, Feb. 13. CASE OF GIBSON,—TWEDDALE.

A COMPLAINT on the late act was given in against sundry as not having right to be on the roll, and among the rest against Thomas Gibson of Boreland, and accordingly warrant was granted and executed ; but when they came to insist, they insisted against George Gibson who alone was on the roll, and not Thomas. We first found it not competent to insist against George. Now they reclaimed, and we appointed it to be seen, and the petition and answers came to be advised February 13, when we adhered.

No. 34. 1745, Feb. 22. CULCAIRN'S CASE,—ROSS-SHIRE.

THE Lords repelled an objection to Culcairn's vote that it was a right redeemable by Sir Robert Monro for 100 merks, and there was no clause of requisition and therefore was no proper wadset.

No. 35. 1745, Feb. 22. HUGH CRAWFURD'S CASE.

THIS is the same case as is mentioned 18th January last, (No. 22.) Mr Crawford having reclaimed against Arniston's interlocutor given by our direction, the Lords adhered, and found he had no vote ;—and we pronounced the like interlocutor the same day in the case of Andrew Campbell in the same shire, and rejected his vote, *renit.* Drummore, Kilkerran, Dun, Balmerino.

No. 36. 1745, Feb. 26. CASE OF BUDGE,—CAITHNESS-SHIRE.

BUDGE of Toftingall's right was quarrelled, which was an infestment in lands that formerly held of the hospital of St Magnus and Toftingall, purchased from Ulbster, as deriving right from Earl of Breadalbane, the superiority and the patronage of the hospital so far as concerned the superiority of these lands. We had great doubt of the right of superiority whether the patronage would carry it, but I observed that if the person is infest and in possession we cannot enquire into the preference of another ; and we repelled the objection, *renit. tantum* Justice-Clerk, and Minto.

No. 37. 1745, Feb. 26. LORD DRUMMORE'S CASE.

LORD DRUMMORE'S vote was objected to as to that part of his lands which had been purchased from Prestongrange, and a voluntary division made by them of the valuation, at which