

rate it was inserted in the Cess books by orders of the Commissioners of Supply, without any evidence that the division was equal. Answered, That by comparing the rental at which Drummore bought with the rental of the remainder and the valuation of the whole lands, it would appear that the division was equal; but that we could make no enquiry. It was sufficient that the Commissioners had so valued it. The question was, Whether we should enquire into the equality of the division or not? and it carried, not, *renit. inter alios* President, *et me*,—and it was admitted that the Commissioners are not in use to enquire into the equality where parties make a division among themselves.

No. 38. 1745, July 10. CASE OF MR GEORGE SKENE,—ABERDEENSHIRE.

THE case of Mr George Skene was that he had lands in property valued so much, and also a separate fishing valued at so much, amounting both to above L.400, so the question was, Whether this fishing could give right to vote? Found that it did.

No. 39. 1745, July 10. CASE OF DUNBARTONSHIRE.

WE gave the same judgment (as above) in the case of Campbell of Succoth, who had a salmon fishing separately extended to two merks old extent in the Earl of Marr's retour in 1635.

No. 40. 1745, July 18. MONRO OF CULCAIRN'S CASE.

A WADSET to him by his father, of a superiority that yielded about L.26 yearly, redeemable for 1000 merks, but not reciting any sum given or borrowed, and without any clause of requisition, was found to be a good title to vote.

No. 41. 1745, July 28. CASE OF CHALMERS OF BALNACRAIG,—ABERDEENSHIRE.

CHALMERS of Balnacraig produced a retour in certain lands in 1739, valuing them to L.3 old extent, and L.12 new, with two retours in lands of the same name, and retouring them to the same extent, one in 1563, and another in 1574; but then there was a retour in lands of the same name, and in the same family, in 1680, extending them to half a merk old extent, and two merks new extent. The question was, whether he had a title to vote? I doubted not that in 1563 and 1574 the family had a good vote; but then I could not suppose that the inquest 1680 retoured without any evidence at all restricting the old and new extent, though it does not now appear how that restriction came, whether by sale of part of the lands, or otherwise, whereas the inquest 1739 behoved to retour in terms of the old retours 1563 and 1574, if the retour 1680 was not laid before them. But the rest were unanimously of a different opinion, and repelled the objection. 28th July, Adhered.