

1745. *February 13.* CASE of GIBSON,—Tweedale.

No. 33.

GEORGE GIBSON of Borland stood on the roll, but a complaint was entered pursuant to the act 1743 against Thomas Gibson of Borland, which was his eldest son's name, and our warrant executed against him; but upon answers in his name discovering their mistake, they executed the warrant against George the father after the time limited for lodging these complaints; but we found that they could not insist against the father.—Adhered. (See DICT. No. 235. p. 8859.)

1745. *February 15.* CULCAIRN'S CASE,—Ross-shire.

No. 34.

WE repelled an objection to a freeholder's right, that it was redeemable for 1000 merks, but had no clause of requisition, and therefore (as it was said) no proper wadset; for we thought it was a proper wadset.

1745. *February 22.* HUGH CRAWFURD'S CASE.

No. 35.

A RETOUR in 1656 of the heir of a wadsetter, and who held blench of the reverser with the non-entries discharged, being produced to prove old extent, and which in the descriptive clause did design the land a five-pound land, but in the *valent* clause retoured them to be worth one penny both *nunc et tempore pacis*, and that the non-entries were discharged; this was found no sufficient evidence of the old extent in terms of the statute, although they also produced an old charter designing them a five-pound land, and appealed to a roll in Exchequer.—We adhered. (See DICT. No. 13. p. 8573.)

* * And on the same 22d February 1745, we gave the same judgment upon the like case against Archibald Campbell concerning the lands of Ellersly. (DICT. No. 14. p. 8574.)

1745. *February 26.* CASE of BUDGE,—Caithness-shire.

No. 36.

BUDGE of Toftingall, who had some lands held of the Hospital of St Magnus, was infest under the Great Seal on the resignation of Ulbster, who

No. 36. resigned these lands and the patronage of the Hospital so far as concerned them. The objection was, that he had no other right to the superiority than in consequence of his right to a part of the patronage, whereas the patronage of an Hospital gave no title to either property or superiority of the Hospital lands. The Court doubted greatly of his superiority; but he being infeft, holding of the King, and in possession in terms of the act 1681, we thought it no good objection that another had a better right, but that other must declare his right as accords; therefore we sustained Mr Budge's title to vote.

1745. *February 26.* LORD DRUMMORE'S CASE.

No. 37.

IN a sale of a small part of a barony, the parties having by a private contract divided the valued rent, and the Commissioners of Supply without further evidence having divided it so in the Cess-books; this was objected to as no sufficient proof of the valuation. The answers mentioned some other collateral evidence, that upon enquiry would show the equality of the division. The question was, whether such enquiry could be made, or if the Commissioner of Supply's act was *per se* complete evidence of the valuation? —It carried not to enquire.

1745 *July 10.* CASE of MR GEORGE SKENE,—Aberdeenshire.

No. 38.

FOUND that a fishing separately valued might be joined with the valuation of lands to make up the L.400 necessary to give right to vote in elections, and therefore sustained Mr George Skene's vote and repelled the objection. *Vide* Case of Dunbartonshire, No. 39.

1745. *July 10.* CASE of DUNBARTONSHIRE.

No. 39.

WE gave the like judgment (with that in the case of Aberdeenshire, No. 38,) where the old extent of a fishing and of lands were separately retoured, that they might be joined to make up the 40 shilling old extent, and sustained Campbell of Succoth's vote.