

No 13.

*Answered*, That the statute precisely confined the evidence to retours.  
THE LORDS adhered.

Act. *A. Macdowal.* Alt. *H. Home.* Reporter, *Lord Arniston.* Clerk, *Forbes.*  
*Fol. Dic. v. 3. p. 402. D. Falconer, v. 1. p. 84.*

1745. February 22.

SIR MICHAEL STEWART *against* ARCHIBALD CAMPBELL of Ellersly.

No 14.

ARCHIBALD CAMPBELL of Ellersly, Writer to the Signet, claimed to stand upon the roll of freeholders for the shire of Renfrew, on the title of his said lands, all the old charters whereof bore them to be a five-pound-land; and a retour was produced, in which the descriptive clause also bore them to be a five-pound-land; but, in the *valent*, they were retoured to be worth one penny.

It was *urged*, That the retour was of a wadsetter, who held the lands of the reverser, for a blench-duty, with the casualties discharged; so that the Jury had only considered the burden upon the vassal, and made that the value; but the true extent appeared from the description supported by the charters.

THE LORD ORDINARY, on advice with the Lords, 'Found, that the retour founded on did not instruct the old extent of the lands, in terms of the act of Parliament; and the LORDS, on bill and answers, adhered.'

Reporter, *Lord Arniston.* Act. *A. Macdowal.* Alt. *Wallace.*  
*Fol. Dic. v. 3. p. 402. D. Falconer, v. 1. p. 83.*

1746. June 14.

FREEHOLDERS of Linlithgowshire *against* CLELAND of Kincavel.

No 15.

Temporal lands, whereof the old extent is not distinct from the feu-duty, do not entitle to vote.

ROBERT CLELAND of Wester-Kincavel stood on the roll of freeholders for the county of Linlithgow, in virtue of his said lands, which were retoured thus:  
'Et quod præfatæ terræ nunc valent, per annum, summam septem librarum sex solidorum et octo denariorum, monetæ hujus regni Scotiæ, et tempore pacis tantum valuerunt; et quod eadem terræ de S. D. N. Rege et suis successoribus in feudifirma et hereditate in perpetuum tenentur, pro annua solutione septem librarum monetæ prædict. apud festa Pentecostes, et Sancti Martini in hyeme particulariter, idque tanquam proportionalis partis summæ viginti sex librarum, quæ est feudifirma pro integris terris de Kinkavell persoluta, secundum antiqua et originaria dict. terrarum infeofamenta, nomine feudifirmæ tantum, una cum summa sex solidorum et octo denariorum, in augmentatione prædictis septem bovatis terrarum, plus quam unquam eadem pars et portio antea persolverit.'