

1747. November 10.

KERR of Moriston *against* REDPATH of Angelraw, DICKSON of Newbigging, and MR JAMES PRIMROSE.

No. 49.

REDPATH produced a retour in 1666, retouring both old and new extent to 7 merks and 4 d., and the feu-duty to 7 merks and 40 d. Dickson of Newbigging's Case was the same, but that there was a further feu-duty of 2 shillings *in augmentationem rentalis*; and we sustained the objection to both, as we had done 4th June 1745, 4th and 14th June 1746, in Cleland's Case, (No. 44, *supra*,) and 24th June 1747, in M'Cara's Case, (there referred to).—Primrose's case was, That by his mother he is one of three heirs-portioners in a 40 shilling land, and was also infest base upon a disposition of the whole by the last vassal: But we sustained also the objection against him. (See DICT. No. 17. p. 8577.)

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1748. June 7. HOME CAMPBELL *against* SIR JOHN HOME.

No. 50.

THERE being an adjudication of Sir John Home's estate, whereof the legal was *ex facie* expired before 1st December 1743, the time limited in the late act, and his estate sequestrated by us at the suit of his creditors; Mr Home Campbell complained that the freeholders at Michaelmas last, upon an objection made, refused to strike Sir John out of the roll; and upon answers we found, *1mo*, That there being no alteration in Sir John's circumstances since 1st December 1743, the freeholders could not judge of the election. *2do*, We unanimously found the objection not relevant, since the adjudger was not in possession, and Sir John was by the factor;—and by a majority found expenses due. (See DICT. No. 127. p. 8738.)

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1750. June 20. SINCLAIR of Southdun *against* SUTHERLAND of Forse.

No. 51.

SINCLAIR of Southdun had complained to us in 1744 of the freeholders refusing to enrol him; but observing that the valuation of his lands had not been properly divided from others with which they had been jointly valued, he did not then follow out his complaint, but got them now divided. He applied again to the freeholders in 1749, and on being refused complained again to us. The freeholders answered, That they could not alter what a former meeting had done, and they having refused him in 1744, not for