

always collected the Cess and paid in the Cess of the whole tenement together to him, and every farm was still liable for the Cess of the whole tenement, which could not be if that was a division;—that the Minister's stipend is often collected and paid in the same way, yet the whole tenement is still liable to the Minister.—10th January 1753, In the same complaint, Archibald Campbell, writer to the signet, complained of being refused to be admitted. He had purchased a wadset belonging to the deceased Captain Campbell, and which he had got in 1735 from Stirling of Herbertshire, partly of property lands, partly of a superiority valued L.410; and against him it was objected that a superiority could not be wadset; 2dly, That this was no superiority, for that Herbertshire had acquired to himself a claim to his vassal's property which he reserved in the wadset right, and power to feu it again, to be held of Captain Campbell; 3dly, That it was improper in so far as the reverser was bound to relieve the wadsetter of public burdens, at least of augmentations of stipends; and that if any casualties of superiority should fall, he should submit what further sum should be paid for them and pay it or allow it at redemption, which was suspended for 21 years. But the Court repelled all these objections and found it a proper wadset. It was also objected, that the valuation of the property lands was divided only by a private meeting of two Commissioners; but as that division had been afterwards approved by a general meeting, they also repelled that. The last objection was that he was not in possession of the superiority, for that Herbertshire conveyed these lands to Lady Forrester, and she to Forrester of Denovan, who is infeft under the Great Seal and in possession of the lands. This objection was superseded till the fact should be cleared; and on reclaiming bill and answers, and after mutual memorials on the fact as to possession, and after appeal entered by the respondents, and withdrawn on paying L.40 costs, we adhered, and repelled the objection to the possession and sustained the claim, 6th February.—Affirmed in Parliament.

Nos. 64. and 65. 1754, Jan. 15. GRANT *against* ABERNETHY—GORDON of Lessmore.

SIR ARCHIBALD GRANT complained that this meeting had enrolled Abernethy of Crimnoggat as apparent-heir though he lodged no claim for being enrolled with the Sheriff-clerk as the act 16th Geo. II. directs. Mr Craigie for the respondent gave up the point; yet two of the Judges seemed disposed to dismiss the claim; but the rest of the Court were unanimous, and without a vote or almost any argument ordered him to be expunged.

He also complained of Sir Alexander Gordon of Lessmore being enrolled notwithstanding that in his claim that he lodged the valuation of his land was left blank contrary to the statute. This complaint we also sustained without a vote, and ordered him to be expunged.

No. 66. 1754, Jan. 18. FORDYCE of Gask, *Supplicant*.

FORDYCE of Gask complained of being refused to be put on the roll at Michaelmas, though he produced a retour of his lands of Gask as old as 1513 proving the old extent