

1767. *January 23.*

## No 21.

Two retours of different parts of the same lands, prior to the 1681, amounting together to 40 shilling, sufficient evidence of an old extent for a freehold qualification.

SIR MICHAEL MALCOLM of Lochore, *against* ALLAN RAMSAY of Kinkell.

SIR MICHAEL MALCOLM claimed to be put on the freeholders roll for the county of Kinross, upon the lands of Bins, and for instructing, that the said lands were a forty-shilling land of old extent, he produced a retour in the 1666, where one half of them was retoured as a twenty-shilling land of old extent; and he produced another retour in the 1620, which proved the other half of the same lands to be also twenty-shilling of old extent; and these, joined together, he contended, were sufficient evidence of a forty-shilling land, to entitle him to be enrolled.

It was *objected*, That it was contrary to the spirit and intention of the law to allow a forty-shilling land to be made up of different parcels: That the evidence of an old extent ought to be contained in one retour; and, upon this objection, the freeholders refused to enroll Sir Michael, who applied to the Court by a summary complaint, in terms of the act of the 16th of the late King.

'THE LORDS ordered the complainer to be added to the roll; and found him entitled to expenses.'

For Sir Michael, *Al. Wight.*For Mr Ramsay, *Alex. Lockhart.**A. E.**Fol. Dic. v. 3. p. 403. Fac. Col. No 55. p. 96.*

\* \* \* A similar decision had been given, 17th January 1759, Blair against Freeholders of Renfrewshire. See APPENDIX.

## No 22.

1767. *February 17.* SIR JOHN GORDON *against* ———.

A CERTIFICATE by one of the keepers of the records in the Lower Parliament House, that in a record of old extent made up in 1613, the lands were marked as extending to L. 8 : 8 : 2 Scots, was found not sufficient to instruct a retour. This decision was affirmed on appeal. See APPENDIX.

*Fol. Dic. v. 3. p. 403.*

## No 23.

Evidence of the old extent. Discrepancy in the descriptive and valent clauses of the retour.

1780. *December 5.* JOHN BARNES *against* JOHN HAMILTON.

AT the Michaelmas head court of the county of Ayr, in 1780, Mr Barnes claimed to be enrolled on the four merk lands of Shaw, part of the barony of Glenmuir; and, in order to prove the old extent of these lands, produced a retour of James Earl of Queensberry, dated 20th May 1640, in which they were described as of that value.