

jection to Copland's titles, that the pages of his sasine were not numbered in terms of the act of sederunt 1756, the first page being omitted. The freeholders had sustained the objection, but the Court overruled it, and ordained the complainer to be added to the roll.

No 109.

For Copland, *Crosbie*.For Busby, *Wight*.

R. H.

*Fac. Col. No 76. p. 219.*1777. June 17. SIR ROBERT ABERCROMBY *against* ALEWOOD.

No 110.

It is not uncommon for royal burghs to alienate parts of their burgage lands, to be held of themselves. But even although, after doing so, they were, by connivance, to convey the superiority to a purchaser, so as to make way for his obtaining a charter from the Crown, that would not confer upon him a right to vote, or entitle him to be enrolled as a freeholder. The lands still remain truly burgage, and their owners are represented by the member for the burgh.—See APPENDIX.

*Fol. Dic. v. 3. p. 414.*1780. EARL FIFE and SIR JAMES DUFF *against* SIR JOHN SINCLAIR.

No 111.

ALEXANDER BRODIE of Brodie, superior of Wester Brims, belonging in property to the Earl of Caithness, having died in 1759, his heir finding the estate encumbered, declined making up titles till 1773, when he obtained a Crown charter, and conveyed the superiority to Earl Fife, who transferred it to Sir James Duff, in liferent, and to the Earl himself, in fee. In the mean time, Sir John Sinclair of Murkle, to whom the property devolved on the Earl of Caithness's death, obtained a decree of declarator of tinsel of the superiority against the heirs of Alexander Brodie, and had in consequence thereof procured a charter from the Crown, *supplendo vices* of the immediate superior; and Earl Fife and Sir James Duff having claimed to be enrolled on these lands, at Michaelmas 1779, Sir John Sinclair objected that he was the immediate vassal of the Crown, and that the heirs of Alexander Brodie had lost the superiority during their lives, by act 1474, cap. 57, and, in consequence of the decree of declarator he had obtained against them. The freeholders sustained the objection; but it being the opinion of the Court, that a superior, by lying out unentered, and by the vassal's obtaining a charter *supplendo vices*, did not lose his character of superior, or his right to the feu duties or other casualties, but only to the nonentry duties during his life, they found that the freeholders had done wrong, and ordered the claimants to be added to the roll. See APPENDIX.

Effect where the superior unentered.

*Fol. Dic. v. 3. p. 413.*