

1787. February 20. WILLIAM MACDOWALL *against* THOMAS BUCHANAN.

No 40.

MR THOMAS BUCHANAN'S claim to be enrolled as a freeholder in the county of Renfrew, was partly founded on the superiority of the lands of Blackburn, which were said to be a twenty-six shilling eight-penny land of old extent.

In evidence of this, a retour was produced, in which it was stated, that the deceased Robert Sempill died last vest and seised " in tota et integra dimidiate viginti sex solidatarum et octo denariatarum terrarum antiqui extentus de Blackburn, extenden. ad tredecim solidatarum et quatuor denariatarum terrarum ejusdem.' And it was certified in the *valent* clause, ' quod prædicta æqualis dimidietas prædictæ viginti sex solidatarum et octo denariatarum terrarum de Blackburn, cum pertinent. valet nunc per annum tribus libris sex solidis et octo denariis usualis monetæ hujus regni Scotiæ, et tempore pacis valuit tredecim solidis et quatuor denariis monetæ prædictæ."

It was *objected* to this retour, That though it sufficiently proved one half of the lands to have been valued at 13s. 4d. it did not thence appear, that the other half was precisely of the same value.

' THE LORDS sustained the objection.'

Act. Lord Advocate, et alii.

Alt. Maclaurin, et alii.

Clerk, Robertson.

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Fol. Dic. v. 3. p. 404. Fac. Col. No 321. p. 495.

1787. February 20.

WALTER SCOT and ARCHIBALD TOD *against* JOHN MILLAR.

THE superiority of the lands of Ardgowan, belonging to Sir Michael Stewart, was conveyed by him to Mr John Millar; whom failing, to Mr Shaw Stewart, Sir Michael's eldest son, his heirs and assignees whatsoever; and this, with the exception of a liferent which had been formerly made over to another person. The yearly feu-duties amounted only to L. 2 : 14 : 8½ Sterling.

In virtue of this conveyance, Mr Millar was enrolled among the freeholders of the county of Renfrew, as fiar of the superiority of the above mentioned lands, to vote in the absence of the liferenter.

In a complaint preferred in the name of Walter Scott and Archibald Tod, on occasion of these proceedings, it was

*Pleaded*, It is now held, That a qualification founded on a liferent of superiority is nominal and fraudulent, when the produce of the right is so very inconsiderable as not to defray the expence of the necessary writings. A fee of superiority, of an equal extent, must certainly be judged of in the same

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Objected to a retour, that the lands had been valued along with the offices of coroner and mair of fee, which were now in disuse, and which, at any rate, could not give a freehold qualification. To this it was thought a sufficient answer, *ist*, That in the retour no value had been put on these offices; and,