1744. *February* 9.

SIR JAMES STEWART of Goodtrees *against* LORD ARNISTON and SIR CHARLES GILMORE.

No. 21.

IN the complaint Sir James Stewart of Goodtrees against Lord Arniston and Sir Charles Gilmore, we had long arguments what makes a roll of electors in the sense of the late act 16th Geo. II.; and 2*dly*, What the law is where persons are after their death continued on the roll, and their heirs are of the same name and designation. 3*dly*, We almost all agreed that a vote of the meeting, finding that any person claiming a vote is not the person in the roll, is sufficient to justify the preses by them chosen for not calling that person.

1745. *January* 18. CASE of RENFREWSHIRE.

No. 22.

AN old retour bearing the particular old extent of sundry lands in the descriptive clause, but in the *valent* clause expressing the old extent of the whole in one total sum, yet agreeing with the particulars enumerated in the first clause; this retour was found sufficient evidence in terms of the statute 1743 of the old extent of the several particular lands, to entitle the heritors of such of them as were 40 shilling lands to a vote, though not separately retoured in the *valent* clause. *Vide* Case of Dunbartonshire, No. 29.

1745. *January* 19. HAMILTON of Aikenhead's CASE.

No. 23.

A RETOUR in 1741 supported by the respond-book in Exchequer from 1591 to 1606, though that must have proceeded on a retour, was found no sufficient evidence of old extent in terms of the statute.

1745. *January* 19. DUNDAS of Castlecarry's CASE.

No. 24.

EXTRACT of a sasine on a precept from the Chancery, reciting both old and new extent, and repeating the precept *verbatim*, which must have had

a retour for its warrant, and though supported by the respond-book in Exchequer, yet the retour being lost, these were found no evidence of old extent in terms of the statute. No. 24.

1745. *January* 19. HAMILTON of Airdrie's CASE.

No. 25.

FOUND that the valuation of the husband's lands might be conjoined with those wherein his wife was infeft, but not in those wherein she was only apparent-heiress.

Eodem Die. A *against* B.

No. 26.

A RETOUR in 1642 retouring the land to L.2. 6s. 8d. of both old and new extent and the feu duty the same, the Lords sustained the objection, that it was no evidence of old extent distinct from the feu-duty. Arniston first differed, but it appearing by the retour that they were kirk-lands, he also agreed, because these as he supposed had never been extended.

1745. *February* 31. BREBSTER'S CASE,—Caithness-shire.

No. 27.

BREBSTER was infeft in lands and the teinds thereof valued in the Cess-book above L.400, whereof the teinds had in 1702 been separately valued at L.62, and without them the lands were not L.400. The Lords repelled the objection, and sustained his vote.

1745. *January* 5. SIR WILLIAM MAXWELL'S CASE,—Lanarkshire.

No. 28.

REPELLED the objection to Sir William Maxwell's title, that the witnesses to his sasine had not signed all the pages; *2do*, That the notary in his attestation had not numbered the pages.