

1745. *July 18.* MUNRO of Culcairn's CASE.

No. 40.

A WADSET of a superiority that yielded about L.26 yearly by a father to his second son, redeemable on payment of 1000 merks, was sustained as a good title to vote, and the objection repelled that it did not recite any money borrowed or received, and contained no clause of requisition.

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1745. *July 28.* CASE of CHALMERS of Balnacraig,—Aberdeenshire.

No. 41.

CHALMERS of Balnacraig produced a retour in 1739, retouring his lands at L.3 old extent and L.12 new, and two retours in 1563 and 1574, agreeing with it, only differing a little in the orthography of one of the tenements, though probably it might be the same word or name; but there was another retour in 1680, agreeing exactly with the retour 1739 in the designation of the lands, but retouring them to half a merk old extent and two merks new. The retour 1739 signified nothing because of the late act 1743. The Lords sustained the vote, and repelled the objection founded on the retour 1680, though some were of opinion that we could not presume the retour 1680 to be false or erroneous, though we knew not the evidence on which it proceeded, and thought both it and the old retours might be true, and the variation may have arisen either from a sale of a part of the lands, or the lands being different.

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1745. *July 30.*

SIR ROBERT MONRO *against* M'KENZIE of Coul, SCATWELL, &c.—Ross-shire.

No. 42.

WE repelled the objection against the Crown's vassals of the Earldom of Ross and Lordship of Ardmenach, that by the acts of James III. and James VI. these Lordships belonged to the Duke of Cumberland, the King's second son, and the vassals were his vassals, both because these acts did not on the existence of a second son *eo ipso* vest these lands in him, and because the act 1681 requires no more than that the persons be infest holden of the Crown and in possession, which entitles them to vote till their infestments are set aside; and for the same reason we repelled the objection, that some of them held formerly of the family of Seaforth, and had not bought the superiority.