

and his lordship and his successors in the estate of Lochalsh, have continued in possession of it ever since. 4th, The transaction of the excambion was homologated in many different ways, by the acts of the Earl of Seaforth, of the present Lord Seaforth, and of the appellant himself, and their respective agents, and, in consequence of such acts of homologation, the original transaction cannot now be challenged.

1815.

PORTERFIELD
v.
OFFICERS OF
STATE, &c.

After hearing counsel,

It was ordered and adjudged that the interlocutors complained of be, and the same are hereby affirmed.

For the Appellant, *William Adam, Thos. W. Baird.*

For the Respondents, *Sir Saml. Romilly, John Connell.*

ALEXANDER PORTERFIELD of Porterfield, Esq., *Appellant.*

THE OFFICERS OF STATE and ALEXANDER DON, Esq., of Ochiltree, Titular of the Parish of Kilmacolm, The Right Honourable WILLIAM, LORD BELHAVEN, and Others, Heritors of the said Parish, } *Respondents.*

House of Lords, 24th February 1815.

LOCALITY—RIGHT TO TEINDS.—Circumstances in which it was held that an heritor had adduced sufficient title and right to the teinds of his lands, although in a former locality he had been localled in consequence of these titles having gone amissing. In the House of Lords the case remitted.

This was a question as to whether the appellant had a right to the teinds of his lands.

It appeared that in a locality of the teinds of the parish, after the minister had obtained an augmentation in 1758, his title-deeds and writings had been duly produced by the appellant's father, and in that locality effect was given to his right then produced.

In 1795, the appellant's father died; and in 1798 the minister of Kilmacolm raised a new process of augmentation, which he obtained accordingly. And when the usual locality which followed was prepared, it appeared that the appellant was localled on as having no right to his teinds. He therefore objected; but his title-deeds, by which he proved, on the

1815.

 LISTER
 v.
 SUTOR.
 Dec. 4, 1799.
 Feb. 3, 1801.
 May 23, 1804.

former occasion, his right to the teinds, having gone amissing, the Lord Ordinary approved of the locality. He represented against this interlocutor, but his Lordship adhered; and, having made avizandum to the Court, the Court approved of the locality and decerned. On reclaiming petition the Court adhered.

And against these interlocutors the present appeal was brought to the House of Lords.

In the meantime, and in the year 1806, the minister of the parish of Kilmacolm raised a new process of augmentation, in which a decree of modification having been pronounced, the cause was remitted to the Lord Ordinary to prepare the locality.

The appellant in the interval had discovered certain of his title-deeds, which had been lost on the former occasion, and which placed the matter of right to his teinds beyond dispute.

The Lord Ordinary, by a special interlocutor, found that these writings established a right to the teinds; but as the matter was already *sub judice* of the House of Lords, he sisted procedure.
 May 24, 1812.

After hearing counsel in the House of Lords,

It was ordered and adjudged that the cause be remitted back to the Lords of Council and Session in Scotland, as Commissioners for Plantation of Kirks and Valuation of Teinds, to review the said several interlocutors complained of in the said appeal.

For the Appellant, *Sir Samuel Romilly, William Buchanan.*

NOTE.—Unreported in the Court of Session.

GEORGE LISTER, Executor of William }
 Henry Anderson, son of the deceased } *Appellant;*
 Henry Anderson, Builder and Mason in }
 Grenada, }

JAMES SUTOR, Mason in Rothes, County }
 of Elgin, } *Respondent.*

House of Lords, 24th February 1815.

PARTNERSHIP—ACCOUNTING—ADJUSTED AND SETTLED ACCOUNT
 —Circumstances in which a party was entitled at the distance of years, and after his claims in the executry had been adjusted and settled, to insist that a certain heritable estate belonged to