

S. D. N. pro annua solutione dictarum summarum,—and in 1666-7 he was infeft in Henry's quarter, bearing *quod valent 53s. 8d. et tempore pacis tantum*, and that the feu-duty was 53s. 8d. *cum parte martis et devoriis debitis et consuetis, una cum duabus solidis in novam augmentationem rentatis cum duplicatione*, &c. and this respondent stood enrolled as apparent-heir to his grandfather, so that the questions were the same as in Cleland's case, 4th June 1745, and 4th and 14th June 1746, (No. 44.) and we found, as we did ultimately in that case, that M'Cara had no vote.

No. 45. 1746, June 19. CASE FROM ABERDEENSHIRE.

IN this case of Thomas Burnet of Criggie, to whom his father disposed an estate on which he was infeft, held of the Crown, and immediately disposed it back to his father, to be held blench of himself, the Lords repelled the objection, six to five. *Pro* were, Justice-Clerk, Strichen, Kilkerran, Monzie, Murkle, Leven. *Con.* were, Drummore, Haining, Dunn, Tinwald, *et ego*, and the President seemed to be of our opinion. 19th June 1746 Altered, and sustained the objection. *Vide* that date, (as follows :)

A reclaiming bill was advised against our interlocutor, marked 30th July last, in the case of Thomas Burnet of Criggie, which we altered, and sustained the objection against his vote. For this last interlocutor were, President, Drummore, Haining, Dun, Monzie, Tinwald, *et ego*. *Con.* was, Minto. Strichen would not vote. All the rest absent.

No. 46. 1747, June 12. ELECTIONS OF NAIRN.—BRODIE *against*
BRODIE, &c.

AT an election that happened in 1735, in the shire of Nairn, there was a secession of the minority of the heritors, who went to the Sheriff's house, and made an election by themselves, and made a roll of the freeholders, which they ordered to be recorded, leaving out several that were on the other side, and who had voted at former elections, and the Sheriff being on their side, the person chosen by them, viz. Lethem, was returned, and their roll recorded. From that time, there was neither Michaelmas court nor election in Nairn, till the Michaelmas court 1743, after the act 16th Geo. II. regulating these enrolments. There was a petition lodged in Parliament against Lethem's election, but it was allowed to drop, and Lethem sat the whole Parliament. At Michaelmas 1743, Brodie of Spynie, and others, who had been left out of the roll 1735, but had been before enrolled, and never regularly turned out, craved to be admitted to the roll, and it was objected that they could not, in respect they had not produced any titles in the clerk's hands two months before, as the act 16th Geo. directs. However, it carried to enrol them; and Lethem complained to us in November 1743, as he also did of the qualifications of some of them. And this day we found only those who were in the election roll 1735, were constituent members of the Michaelmas meeting 1743, and that therefore the persons complained of could not agreeably to the act be added, without producing their titles as that act directs. *Renit. multum* Arniston, Tinwald, &c. who insisted that the roll 1735 was not a roll made up at an election, though in the minutes it was expressed in the usual form, because of the secession, and that it was made only from memory.