1746. *June* 6.

SIR MICHAEL STEWART *against* The TOWN of PAISLEY.

No. 43.

The question occurred, Whether communities can vote in elections of Knights of the shire? but was not determined, because the execution against the community was found null, only two Bailies being cited, and not the Council; and a new execution after the time limited in our act of sederunt for returning executions of complaints on that act was not admitted. But the generality of the Court seemed to think, that communities, no more than other freeholders, could not vote by a delegate.

1746. *June* 14. ROBERT CLELAND'S CASE,—Linlithgowshire.

No. 44.

A RETOUR *septem bovatarum terræ de Wester Kincavill* in 1662, bearing *quod nunc valent* L.7. 6s. 8d. *valuerunt tempore pacis*, and that they held of the Crown for payment of L.7 of feu-duty, as a proportion of L.26 that was the feu-duty of the whole Barony of Kincavill, with 6s. 8d. *in augmentationem rentalis pro prædictis septem bovatis terræ*, was sustained as sufficient evidence of the old extent, and the objection repelled, that it was not in terms of the act 1681 distinct from the feu-duty. But on a reclaiming bill the Lords sustained the objection.—Adhered. *Vide* Kerr of Moriston against Primrose, 10th November 1747, *infra*. (See DICT. No. 15. p. 8574.)

*** The like found 24th June 1747, Election of Perthshire,—Robert M'Cara's Case. (DICT. No. 16. p. 8576.)

1746. *June* 19. CASE from ABERDEENSHIRE.

No. 45.

A FATHER disponed an estate to his eldest son whereon he was infeft, holding of the Crown, and immediately disponed it back to the father to be held blench of himself. It was carried by a majority to sustain this vote, though many of us thought that this was plainly *captare verba legis*, and eluding the act 12th Annæ and 7th Geo; but we altered, and sustained the objection.