

1747. *June 12.*ELECTIONS OF NAIRN,—ALEXANDER BRODIE of Lethen, *against* BRODIE of Spynie and OTHERS.

No. 46.

A COMPLAINT was sustained against Brodie of Spynie and others, who were added to the roll at Michaelmas 1743, without previously producing their titles as the act directs, though they alleged they had been upon the roll at and even before 1735, and never regularly turned off, only at the election that year, Lethen, one of the candidates, who had the minority, seceded, and in the Sheriff's house made a roll from their memories, and elected Lethen, who sat in Parliament, and the petition against him dropped; and in the roll they had omitted the respondents, and there was no Michaelmas Head-Court nor election from that time till 1743;—but that roll 1735 being ordered to be recorded, and accordingly recorded as the law directs in the Sheriff's books, the allegiance repelled.

1747. *June 24.* COLONEL STEWART'S CASE,—Wigtonshire..

No. 47.

COLONEL STEWART was infeft in liferent and fee in certain lands, excluding his heirs and assignees, and failing him by decease to return to the granter. Objected, This was neither a liferent nor a right of property, because not descendable to heirs, and was a nominal fictitious right created to give a vote.—We repelled the objection.

\*\* *Eod. die.* We gave the like judgment in the Case of Captain Hay, brother to Sir Robert Hay.

1747. *July 9.*

ELECTION OF TWEEDALE,—DICKSON of Kilbucho's CASE.

No. 48.

LANDS retoured in 1695 to L.5 old extent, the half of them was feued out and possessed *pro diviso*, but no division made by any retour. A right to the half of that L.5 land was found no sufficient title to vote.