is given in any cause, either condemning in, or absolving from the conclusions of the libel, and decreet thereupon regularly extracted, that cause is thereby out of Court, and can never afterwards be renewed upon the same grounds; such after litigation being most justly and effectually barred by the objection of a *res judicata*.

No 53.

In the present case, the single purpose of the petitioners action was, to have the respondent expunged from the roll of freeholders; the Court pronounced judgment exactly conform to the libel brought; that judgment was extracted by both parties, and thereby the cause and parties were entirely out of Court; so that the question comes to be, what is the effect of the judgment of the House of Peers? That judgment is no more than a simple reversal of the decree of this Court, and can never bring back into Court a cause, which, by the established law of the country, and forms of Court, was entirely at an end. Had the judgment of this Court been affirmed upon the appeal, it could not have returned here, and so must have been an effectual judgment in favours of the petitioners; and the House of Peers reversing that judgment, ought to be as effectual to the respondent, as the affirming of it would have been to the petitioners. This Court did not supersede, but found it unnecessary to determine the other points; the judgment given exhausted the cause; the petitioners did not demand the judgment of the Court upon the other objections, but rested their plea solely upon the point determined. Had no appeal been taken, neither party could have applied to the Court after extracting decreet; and the judgment upon that appeal, being a simple reversal, cannot alter the case. Had the House of Peers intended that any further procedure should be had in this Court, they would have remitted the cause back, in order that the other points might be considered; but no such remit being expressed in the judgment of the House of Peers, the cause must, in every view, be considered as at an end.

'THE LORDS refused the desire of the petition, and adhered.' See RES INTER ALIOS.——See SUPPLEMENT TO WIGHT, page 50.—See APPENDIX.

For the Complainers, *Ro. M'Queen, And. Crosbie, &c.*
For the Respondent, *Rae, Wight, and P. Chalmers.*

Fol. Dic. v. 3. *p.* 408. *Fac. Col. No* 76. *p.* 132.

1773. *February.* GRANT *against* DUFF.

No 54.

THE Court of Session reduced a decree of division of the valuation of the estate of Innes, on this ground, That with regard to a part of that estate, no proper evidence of the real rent had been brought.

The HOUSE of LORDS reversed the judgment, considering it as immaterial, though one parcel should have got a greater, and another parcel a smaller pro-

No 54.

portion than it was actually entitled to; seeing at any rate the estate could afford no more qualifications than accords to the extent of its gross valued rent. See Appendix.

Fol. Dic. v. 3. *p.* 408.

1787. *February* 16. Boyes *against* Freeholders of Renfrewshire.

No 55.

The Marquis of Clydesdale's lands of Corseflat and Corseford in Kilbarchan parish, stood in a valuation roll at L. 400, and his lands of Corseflat and Corseford in Lochwinnoch parish stood valued at L. 352 : 3 : 4, in all L. 752 : 3 : 4. In a division of this valuation, the Commissioners, instead of dividing each separate article into its component parts, threw both together, and divided the whole according to the real rents at the time, by which means the valuation of the lands in Kilbrachan parish was reduced from L. 400 to L. 108 : 10s. and the valuation of those in Lochwinnoch parish was increased from L. 352 : 3 : 4, to L. 566 : 13 : 4. Boyes claimed to be enrolled *inter alia* on the lands of Corseford in Lochwinnoch, which, on the authority of this decree of division, stood valued at L. 90. The freeholders, in respect of the improper junction of the two separate *cumulos*, refused to admit him to the roll, and the Court affirmed their judgment. See Appendix.

Fol. Dic. v. 3. *p.* 408.

1790. *December* 14.
Sir Alexander Campbell, Baronet, *against* Peter Spiers.

No 56.
Objection, that two parcels of lands, separately valued, had been thrown together by the Commissioners, repelled, there having been acquiescence for many years.

In the original books of valuation in the county of Stirling, the lands of Gargunnock were rated, *in cumulo*, at L. 863 : 18 : 8.

In 1740, the Commissioners of Supply disjoined the valuation of the lands of Fleuchames and Redmains, parts of the estate of Gargunnock, from that of the remainder, declaring it to be L. 108.

In 1753, the proprietor of this estate again applied to the Commissioners of Supply, for a division of the valued rent of the whole lands of Gargunnock. At this time, no notice being taken of the previous division made 13 years before, the lands were thrown together, and divided according to the real rents: And in this division all parties acquiesced, Sir James Campbell the proprietor, and several other persons, having been, in virtue of it, admitted to the roll of freeholders.

In 1787, Sir James Campbell executed a trust-settlement of his estates, the purpose of which was, ' to make provision for the payment of his debts, and