

DIVISION III.

The Qualification of Freeholders possessing Lands liable
in Public Burden for L. 400 Scots.

SECT. I.

How far Teinds are considered in Questions concerning the
Legal Valuation.

1745. January 29. SIR PATRICK DUNBAR *against* ST CLAIR of Bremster.

ST CLAIR of Bremster is possessed of lands in the shire of Caithness, valued at L. 370 Scots, and having acquired from the patron a right to the teinds which formerly belonged to the parson, and which were valued since the act establishing the patron's right at L. 62, claimed a vote thereon. It was *objected*, That lands and not teinds gave title to vote..

Answered, He did not claim on the teinds of other lands but his own: That the teinds being only a servitude, when they were purchased in the lands became free, and the same disburdened were of more value than L. 400.

THE LORDS, on hearing in presence, sustained the title.

Fol. Dic. v. 3. p. 406. D. Falconer, v. 1. p. 61.

No 42.
Lands with the teinds thereof, making up the full valuation, entitle.

1753. March 3.

Captain JOHN SCOTT and Others, Complainers, *against* Captain JOHN SUTHERLAND of Forse, Respondent.

CAPTAIN SCOTT purchased the superiority of part of the estate of Hemp-riggs, lying in the county of Caithness; which estate stood valued *in cumulo*, in the cess-books of the shire, at L. 3,600.

Captain Scott made over part of his purchase to Sir Robert Gordon and Mr Hay of Leys; and, in July 1750, these three gentlemen obtained charters, under the great seal, of their respective lands, and were duly infeft.

No 43.
One having right to lands valued in the cess-books at L. 400 is entitled to vote, although he has not a right to the teinds of these lands, and although if a fifth were