

the shire of Caithness, without being possessed of the legal qualifications required by the then act of supply, the LORDS assoilzied; for they thought that these qualifications related only to particular persons *nominatim* appointed Commissioners, not to those appointed *virtute officii*.

No 84.

*N. B.* The persons now entitled to act are such as stand infeft in lands within the county, of L. 100 valued rent in property or superiority, or their eldest sons and heirs apparent; and Provosts, Bailies, Deans of Guild, Treasurers, Masters of Merchant Companies, or Deacon Conveners of the trades, for the time, of any royal burgh, and Bailies of burghs of regality and barony, if mentioned in the act, either by name, or by their office. See APPENDIX.

*Fol. Dic. v. 3. p. 410.*

1753. February 21.

ABERCROMBY against LESLY.

No 85.

THE supply acts name a day upon which the Commissioners of Supply are to meet, and their after meetings are held by adjournment; and divisions of valuation are reduced, if made at meetings neither held upon that day, nor by adjournment, nor by summons from the convener.

*Fol. Dic. v. 3. p. 410.*

\* \* \* This case is No 6. p. 2437, *voce* COMMISSIONERS OF SUPPLY.

\* \* \* A similar decision was pronounced, 9th January 1754, Cunningham against Stirling, No 7. p. 2438, also *voce* COMMISSIONERS OF SUPPLY.

1756. December 14.

Sir ROBERT GORDON of Gordonston, Sir ALEXANDER GRANT of Dalvey,  
JOHN INNES of Leuchars, and LUDOVICK GRANT of Grangereen,  
Petitioners.

No 86.

THESE gentlemen being possessed of land in the county of Murray, which stood in the cess-books valued *in cumulo* with the other lands in the county, applied to a general meeting of the Commissioners of Supply, on the 17th August 1756, for a division of those *cumulo* valuations. The Commissioners proceeded to the division, took a proof of the real rent of the lands, and remitted to an accountant to proportion the valuation according to the real rent.

The convener of Commissioners of Supply is entitled to call an immediate general meeting, notwithstanding of an adjournment made by the Commissioners to a distant day.

At a subsequent meeting on the 1st of October thereafter, the accountant's report not being ready, the Commissioners adjourned the general meeting to the second Tuesday of May.

The petitioners applied to the convener of the Commissioners, requiring him to call a general meeting immediately; for that before the second Tuesday of

No 86.

May, the Commissioners might all be superseded by the new commission for the ensuing year, and so the whole proceedings in the division would be lost. To which he *answered*, ' That he was ready to grant the desire of this application; but it was now out of his power, as the Commissioners had adjourned their general meeting till May; yet he was ready to do every thing incumbent on him when properly authorised.'

In these circumstances, the gentlemen applied to the Court of Session by petitions, craving warrant to the convener to call a general meeting.

It occurred to some of the Lords, that, in common form, these petitions should be ordered to be served upon the convener and Commissioners, whereby they might have an opportunity of answering them. But it being observed, that the convener was willing to do his duty, and only wanted authority, as he erroneously imagined, that form was judged unnecessary.

" THE LORDS found that the convener of the Commissioners of Supply of the shire of Murray may, notwithstanding of the adjournment made by the said Commissioners to the second Tuesday of May next, upon the application of the petitioners, or any other party having interest, call a general meeting of the said Commissioners without delay."

For the Petitioners, *Lockhart, Hamilton, Gordon.*

Clerk, *Pringle.*

*Walter Stewart.*

*Fol. Dic. v. 3. p. 410. Fac. Col. No 222. p. 322.*

1757. *August 4.*

MALCOLM, &c. *against* COMMISSIONERS of SUPPLY of Kirkcudbright.

No 87.

A SMALL estate consisting of many parcels of houses, acres, &c. having been split among a number of purchasers, they in a body applied for a division of their valuation. The Commissioners *alleging*, That it was inconvenient to have the cess separated into so many minute articles, refused to divide; but the LORDS appointed the division to proceed. *See APPENDIX.*

*Fol. Dic. v. 3. p. 410.*

1766. *January 21.*

GORDON *against* ANDERSON.

No 88.

Two different persons were found qualified to act as Commissioners of Supply, in virtue of infeftments in the same lands extending to L. 100 of valued rent, though neither of them was the immediate vassal of the Crown. *See APPENDIX. See No 10. p. 2444.*

*Fol. Dic. v. 3. p. 409.*