

S E C T. II.

What evidence must the Freeholders receive of the Valuation.

1760. February 5. CAMPBELL and GRAHAM *against* MURE.

No 44.

A CERTIFICATE by two commissioners of supply is sufficient evidence to a meeting of freeholders, of the amount of a valuation regularly divided, without producing the proceedings of the commissioners.

Fol. Dic. v. 3. p. 407. Fac. Col.

1760. March 6.

SIR MICHAEL STEWART of Blackhall, and WILLIAM CUNNINGHAM of Craighends, *against* Captain JOHN POLLOCK.

No 45.

A person infeft in the just and equal half, *pro indiviso*, of lands rated *in cumulo* in the cess-books at L. 1000 Scots of valued rent, is not intitled to a vote.

At the Michaelmas meeting of freeholders of the county of Renfrew, in October 1759, Captain John Pollock claimed to be enrolled upon the following title, viz. a charter under the great seal in his favour, of the just and equal half, *pro indiviso*, of all and hail the twenty pound land of Over Pollock, proceeding on the procuratory of resignation contained in a disposition by his brother, Sir Robert Pollock, to him, of the aforesaid just and equal half of the said lands, upon the precept in which charter he was duly infeft.

And for instructing, that these lands were rated in the cess-books at L. 400 Scots of valued rent, and upwards, reference was made to the valuation-book of the county, then lying on the table; from which it appeared, that the whole twenty pound land of Over Pollock, was valued, and paid cess at the rate of L. 1000 Scots.

This title was *objected* to by Sir Michael Stewart, one of the freeholders; but it was carried by a majority to enrol the claimant, upon which Sir Michael Stewart, and Mr Cunningham of Craighends complained to the Court of Session.

Objected by the complainers, That the enrolment was improper and illegal in a double respect; *1mo*, The defender's title is founded upon an undivided property; *2do*, The valuation is also undivided.

The right of freehold, and the privileges thereto annexed, suppose a certain estate, either of property or superiority, in which the claimant stands infeft,