

S E C T. IV.

What Subjects are to be Valued.

1772. *July 31.*SIR LUDOVICK GRANT, Baronet, and Others, *against* JAMES EARL FIFE,
and Others.

No 57.

THE COURT reduced a decree of valuation, challenged upon various grounds ; particularly, that it had proceeded without proper proof, and that the rent of a garden and orchard had been omitted in the proof the real rent.

Reporter, *Aubinleck.* Act. *Rae.* Alt. *Solicitor Dundas et Ilay Campbell.* Clerk, *Pringle.*
Fac. Col. No 23. p. 65.

* * * This case was appealed :

THE HOUSE OF LORDS, 11th March 1773, ' ORDERED and ADJUDGED, That the interlocutors complained of in the said appeal be, and the same are hereby reversed.'

1773. *August 7.*LORD ADAM GORDON of Prestonhall, *against* JAMES DUFF, Sheriff-Clerk
of Banff.

No 68.

Fishing-boats included in the grant of a barony from the Crown, and immemorially possessed, by letting them along with fishermen's houses and crofts, at a permanent rent, sustained as a proper subject of valuation, when separately disposed, to make up a note.

JAMES DUFF was enrolled as a freeholder in the county of Banff at Michaelmas last, upon a liferent superiority disposed to him by James Earl Fife, comprehending, amongst other subjects, the boats of Down, stated at a valuation of L. 46 : 17 : 7 Scots, being the sum allotted to the boats of Down, paying L. 18 Sterling of yearly rent, at a division of the *cumulo* valuation of the lands and barony of Down, comprehending the particular subjects conveyed to Mr Duff, and others, made by a general meeting of Commissioners of Supply of said county in May 1771.

A complaint having been preferred against this enrolment, it was *objected* in point of form, That the statute of the 16th of Geo. II. limits the time for giving in complaints to four kalendar months after the Michaelmas meeting: That the last Michaelmas meeting at Banff was held upon the 25th of September 1772 years ; but the record of court, appointing the complaint to be served, does not bear date till the 26th of January 1773, being after the four months are expired.