1753. *February* 16.

COLONEL ABERCROMBY *against* LESLIE of Melross.

No. 56.

ON a complaint Colonel Abercromby against Leslie of Melross, who was by the freeholders enrolled in the election-roll at Michaelmas last; the Lords found, that by the acts of Convention 1667 and 1668, the act of Parliament 1690, and subsequent Cess-acts, lands jointly valued, the valuation could not be divided by a private meeting of the Commissioners, but by a general meeting either appointed by a former meeting, or called by the Convener; and sustained the objection to Leslie's qualification, that the division was made by a private meeting of four Commissioners not so appointed or called. (See DICT. No. 72. p. 8659 and No. 6. p. 2487.)

1753. *March* 2.

SIR ROBERT GORDON, &c. *against* The FREEHOLDERS of CAITHNESS.

No. 57.

THE freeholders of Caithness having refused to enrol Sir Robert Gordon, Captain Scot and Mr Hay of Leys, on charters of superiorities of Sir William Dunbar's lands that they had purchased; they all severally entered their complaints, and in the answers the chief objection was, that in valuing those lands the whole rents had been computed stock and tiend, that is, the whole free rent, deducting feu and tiend-duties, which was the rule of the valuations in Caithness, and in all the other shires in Scotland; but that the complainers were not infeft, nor had any heritable right to their tiends, which belonged to the Bishop of Caithness, and he gave a long lease of them to the Earl of Breadalbane, who subset them to the vassals, particularly Sir William Dunbar, and the complainers had only right to Breadalbane's tack. The Court was pretty well satisfied, that in making the valuations over all Scotland, the whole rent was computed, (which included the teinds where they were not drawn,) but they thought notwithstanding thereof the lands were, in the words of the act 1681, liable for the Cess, and therefore the heritor entitled to vote whether he had right to the teinds, or was infeft in them or not, and that that sense of the act was confirmed by the universal consent of the freeholders in every county in Scotland from 1681, in every one of which there were votes liable to the same objection, though this is the first time it ever was made; and therefore repelled the objection and found the complaint well founded. *Vide* the Case fully stated MS. 8vo. (Notes.) And 2d March adhered as to repelling the objection, but allowed a proof as to a new objection of the manner of dividing the valuation of these lands from that of Sir William Dunbar's other lands. (See DICT. No. 43. p. 8627.)