

Mr Erskine, he preferred a complaint to the Court of Session, which was followed with answers, replies, and duplies.

No 46.

“ THE LORDS found, that the freeholders had done wrong, and ordered Mr Erskine to be admitted to the roll.”

Act. *Robertson, Cathcart, et alii.*Alt. Lord Advocate, *Williamson, et alii.*Clerk, *Gordon.*

C.

*Fac. Coll. No 122. p. 236.*

1790. December 9.

DICKSON against DOUGLAS.

No 47.

OBJECTED, That a decree of division had been produced, without any proof of the real rents, except by parole testimony of one of two witnesses; the other, who was the tenant of the lands, having neither sworn to the *quantum* of the rents, nor signed the tacks, as relative to his deposition, though he swore that the rents, specified in his tacks, were the real rents which he paid. But the rents contained in his tacks agreed perfectly with those deposed to by the other witnesses.—THE LORDS found, that the decree of division being formal, must be held good till set aside by reduction.—See APPENDIX.

THE same found, though a process of reduction of the decree had been actually brought, and was depending at the time when the objection was made; December 1790, Cheap against Morehead.—See APPENDIX.

*Fol. Dic. v. 3. p. 407.*

1791. February 23.

FREEHOLDERS of ORKNEY against JOHN TRAIL.

No 48.

At a meeting, in July 1790, for electing a Member of Parliament for Orkney and Zetland, Mr Trail was enrolled upon a qualification, which in part consisted of the valuation of certain superior duties, payable to Sir Thomas Dundas, to whose predecessor, the Earl of Morton, the Crown had granted them. In a complaint preferred against this enrolment, it was *objected*, That this part of the valuation ought not to have been admitted by the freeholders; and, in support of the objection, it was

A decree of valuation, *ex facie* regular, though liable to exceptions, is to be sustained, until set aside by reduction.

*Pleaded*, Before the general valuation, the duties payable out of lands that held feu of the Crown were not valued; or, at least, no supplies corresponding to them were paid to the Crown; so that the rents of Crown-vassals lands were valued *minus* the feu-duties. This appears from the act of Convention of 1643, and the act of Parliament of 1649, cap. 21.

Of lands feued by subject-superiors, the valuation was laid partly on the feu-