

infestment in the just and equal half of it, and a contract of division in 1671 between the proprietors of both halves, agreeably to which they have possessed ever since, and yet he was found to have no right to vote. The Court seemed inclined to repel both these defences. Only Drummore and Kames seemed to doubt of the first ;—but we allowed him proof before answer that these lands of Whitefield were possessed, falling under one or other of the names of lands in his charter, and both parties to prove all facts and circumstances to clear the matter. 22d July, Adhered to the interlocutor touching the retour, and found it proved that Whitefield is part of Northfield, and therefore dismissed the complaint.

No. 56. 1753, Feb. 16, 21. COLONEL ABERCROMBY *against* LESLIE.

THIS was a complaint for admitting Mr Leslie on the roll who was infest in property in lands valued L.302, and in a superiority of lands belonging to Mr Garden of Troup, upon an adjudication against the family of Buchan as old as 1686, and which lands had been valued jointly with the lands of Troup held of the Crown, and the valuation divided by four Commissioners of Supply at Troup's house, who gave an order on the clerk to divide them so in the Cess books: So two objections were made, first that he had no right to the superiority by the old deserted adjudication which was preserved. But this we unanimously repelled, in respect of the answer that he was infest and in possession by Troup his vassal, who was infest on a charter from him, and that the complainer or freeholders had no title to object to his adjudication. Objection second, That four Commissioners privately had no power to divide joint valuations, which by the acts of Convention 1667 and 1678, and act of Parliament 1690, and subsequent acts, could only be done by a general meeting of the Commissioners, either appointed by a preceding meeting, or called by their Convener. Answered, The division was fairly and equally made on a proof taken of the rent of both lands, and the justness of it would appear on comparing it with former valuations of both lands; and the acts did not require a general meeting to divide valuations that had formerly been made jointly. Replied, If four Commissioners had not power, the Court or the freeholders could not enquire into the equality or justice of it; and on the other hand, if the law had given them power, the freeholders could not have altered their act; and that by all the Cess acts the powers therein committed cannot be executed by any without a general meeting, except allenary the question touching quartering, for which three is a quorum. The Court pretty unanimously sustained this objection, *remt. tantum* Dun.

No. 57. 1753, Jan. 31. March 2. SIR R. GORDON, &c. *against* FREEHOLDERS OF CAITHNESS.

THESE three gentlemen (Gordon, Scot, and Hay) purchased from Sir William Sinclair the superiority of certain lands in Caithness, that had been held by Sir William Dunbar of Hemprigs, of the Earl of Breadalbane, and thereafter by progress of Sir William Sinclair, (which Sir William Dunbar the vassal did not oppose.) They divided the superiority among them three, and got charters from the Crown each of certain parts of the lands, and applied to the Commissioners of Supply, and got the valuation of these several parcels divided, they having been formerly valued not only jointly together, but also