

COMMISSIONERS OF SUPPLY.

1728. July 11.

IRVINE *against* FORBES.

IN a question betwixt Irvine of Bruckley and Forbes of Thornton, which of them was duly elected collector of supply for the shire of Mearns, it was *objected* by Forbes, that Irvine's party had proceeded to name their Præses, or conveyer, before qualifying themselves to the government, which he apprehended to be a plain nullity, no less than acting as Commissioners of Supply, without taking the oaths. This objection was repelled, and Bruckley's election found legal, conform to the directions of act 6th, Parliament 1693. See KING.

No 1.

Fol. Dic. v. 1. p. 153.

1729. January 1.

SINCLAIR of Freswick *against* The DEAN of GUILD of Wick, and BAILLIES of Thurso.

AN action being intented against the Dean of Guild of Wick and Baillies of Thurso, as liable to the penalty of L. 20 Sterling, for having presumed to act as Commissioners of Supply in the shire of Caithness, without being possessed of the qualifications required by the supply act; that is, without being infest in the superiority or property, or possessed, as proprietors or liferenters, of lands, valued in the tax roll of the county, to the extent of L. 100 Scots *per annum*, or to the extent of L. 20 Sterling of real rent; the defenders were found not liable in the penalty of the act of Parliament; for, the LORDS thought that these qualifications related only to the particular persons *nominatim* appointed Commissioners, not to those appointed *virtute officii*. See PUBLIC OFFICER.

No 2.

Fol. Dic. v. 1. p. 153.

1729. January 3.

SINCLAIR *against* SINCLAIR.

IN a competition, which of two persons was duly elected collector of the land-tax for the shire of Caithness, it was found, that after elapsing of the day

No 3.

No 3. appointed by act of Parliament, the Sheriff of the shire was the proper officer to appoint another diet for the Commissioners of Supply their first meeting. *See JURISDICTION.*

Fol. Dic. v. 1. p. 153.

No 4. 1735. July 25. HAY of Hopes *against* HEPBURN of Monkrig.

By act of Parliament, both superior and vassal have a right to vote for the same L. 100 valued rent. *See SUPERIOR and VASSAL.*

Fol. Dic. v. 1. p. 153.

1751. February 22.

SUTHERLAND of Swinzie *against* SUTHERLAND of Forse; and SUTHERLAND of Langwell *against* Swinzie.

No 5.
The proceedings of Commissioners of Supply, who have neglected to take the oaths of allegiance and abjuration, conform to act 16th Geo. II. 1749, are null.

THE estates of Risgill held of the Crown, and Langwell held of a subject, had formerly belonged to one proprietor; and were jointly valued in the cess books at L. 600, but coming into different hands, Sutherland of Swinzie, heritor of Risgill, applied to the Commissioners of Supply of the shire of Caithness for the year 1749, and obtained a disjunction of the valuation; and his own lands valued at L. 421 : 5 : 6d, and thereupon applied to the Michaelmas headcourt to be enrolled as a freeholder, entitled to vote in electing a member of Parliament: Which was refused on the objection of John Sutherland of Forse, That the Commissioners of Supply had made an unfair and unequal division; for that that his lands were not of so great value as those of Langwell, and consequently ought not to be valued at L. 400. Swinzie thereupon gave in to the Court of Session a complaint against Captain Sutherland, in terms of the act made for that purpose, 16th Geo. II, and insisted that the court of freeholders could not review the proceedings of the Commissioners of Supply.

Answered, By shewing the unfairness of the decret of the Commissioners, of which the freeholders were competent to cognosce, in order to enroll or reject the claimant; and of which Langwell was insisting in a reduction before the Court of Session.

2do, The Commissioners of Supply, not having qualified themselves, by taking the oaths, to entitle them to act under the act of Parliament, imposing the supply, their deeds were null.

THE LORDS superseded proceeding on the complaint till the issue of the reduction.

Sutherland of Langwell insisted in his reduction for the reasons foresaid.

Answered, The Lords are not competent to reduce the deeds of the Commissioners of Supply; who are a commission of Parliament, having these matters specially committed to them.