

“ THE LORDS dismissed the complaint.”

No 75.

Act. *J. Dundas & Cockburn.* Alt. *Lockhart & A. Pringle.* Clerk, *Forbes.*

B. *Fol. Dic. v. 3. p. 411. Fac. Col. No 141. p. 212.*

1760. July 24. EARL OF HOME *against* STEPHEN BROOMFIELD.

STEPHEN BROOMFIELD was proprietor of certain lands holding of the Earl of Home, and of other lands holding of the Crown, all lying in the shire of Berwick.

Broomfield applied to the Commissioners of Supply, setting forth, that all his lands were charged in the cess-books *in cumulo*; and craving, That the cess of the respective lands should be divided in proportion to the real rent. The Commissioners took a proof, and pronounced a decret of division.

The Earl of Home *contended*, That by this decret, the lands holding of him were valued too low; and brought a reduction of it upon this, amongst other grounds, That it was null, in respect the Earl, the superior, was not made a party to the process of division before the Commissioners of Supply; and he *insisted*, That as freehold qualifications are now esteemed a valuable property, and as the tendency of the process of division was to restrict the valuation of the lands of which he was superior, he had a manifest interest in the question, and ought to have been made a party.

*Answered* for Stephen Broomfield, No law requires, that superiors be called in divisions of valuation. The acts of convention, and acts of Parliament, which authorise Commissioners of Supply to make such divisions, mention no such thing; and the universal practice proves, that it is not necessary. The Crown is superior of all the lands in Scotland; and yet the officers of state are never called in divisions of valuation. If then it were necessary to call the superior, all divisions hitherto made would be void.

“ THE LORDS repelled the reasons reduction.”

Reporter, *Auchinleck.* For the Earl of Home, *Lockhart.* Alt. *Ferguson.* Clerk, *Kirkpatrick.*  
W. N. *Fol. Dic. v. 3. p. 409. Fac. Col. No 240. p. 439.*

1774. March 10.

GEORGE ROSS and Others, *against* SIR RODERICK M'KENZIE and Others.

SIR RODERICK M'KENZIE, and certain other gentlemen, having claimed to be enrolled as freeholders of the county of Inverness, their claims were rejected by the Michaelmas meeting, as being founded on decrees of division of *cumulo* valuations that were exceptionable. Complaints were preferred to the

No 76.

In an application to the commissioners of supply, for dividing the valuation of lands which are charged *in cumulo* in the cess-books, found unnecessary to make the superior a party.

No 77.

It is competent to any freeholder to challenge de-