

No 86.

May, the Commissioners might all be superseded by the new commission for the ensuing year, and so the whole proceedings in the division would be lost. To which he *answered*, ' That he was ready to grant the desire of this application; but it was now out of his power, as the Commissioners had adjourned their general meeting till May; yet he was ready to do every thing incumbent on him when properly authorised.'

In these circumstances, the gentlemen applied to the Court of Session by petitions, craving warrant to the convener to call a general meeting.

It occurred to some of the Lords, that, in common form, these petitions should be ordered to be served upon the convener and Commissioners, whereby they might have an opportunity of answering them. But it being observed, that the convener was willing to do his duty, and only wanted authority, as he erroneously imagined, that form was judged unnecessary.

" THE LORDS found that the convener of the Commissioners of Supply of the shire of Murray may, notwithstanding of the adjournment made by the said Commissioners to the second Tuesday of May next, upon the application of the petitioners, or any other party having interest, call a general meeting of the said Commissioners without delay."

For the Petitioners, *Lockhart, Hamilton, Gordon.*

Clerk, *Pringle.*

*Walter Stewart.*

*Fol. Dic. v. 3. p. 410. Fac. Col. No 222. p. 322.*

1757. *August 4.*

MALCOLM, &c. *against* COMMISSIONERS of SUPPLY of Kirkcudbright.

No 87.

A SMALL estate consisting of many parcels of houses, acres, &c. having been split among a number of purchasers, they in a body applied for a division of their valuation. The Commissioners *alleging*, That it was inconvenient to have the cess separated into so many minute articles, refused to divide; but the LORDS appointed the division to proceed. *See APPENDIX.*

*Fol. Dic. v. 3. p. 410.*

1766. *January 21.*

GORDON *against* ANDERSON.

No 88.

Two different persons were found qualified to act as Commissioners of Supply, in virtue of infeftments in the same lands extending to L. 100 of valued rent, though neither of them was the immediate vassal of the Crown. *See APPENDIX. See No 10. p. 2444.*

*Fol. Dic. v. 3. p. 409.*