

the substitution still subsisted, because she died before one of the events, marriage. But we altered, and thought the particle OR was meant here conjunctive, and that marriage alone would have put an end to the substitution, though not major, and therefore so should majority, though not married;—and considering the manner of the Earl of Home's signing the contract of marriage and separate assignation, found that he was not barred from quarrelling the Lady's right to the half of her sister's portion. 1st December Adhered to the first point, and 11th February 1748 adhered to the last.—(17th November 1747.)

COMMISSIONERS OF SUPPLY.

No. 1. 1735, July 25. HEPBURN of Monkkrigg *against* HAY of Hopes.

THE Lords found, that one infeft in superiority might act as Commissioner of Supply, thought that superiority was valued in the tax-roll only at L.40, provided the property was valued at L.100, the sum the act limits; whereby lands valued at only L.100 may give a good title to both superior and vassal, where both happen to be named Commissioners. But found, that where lands are not separately valued but are parts of a Barony that is valued *in cumulo*, the superior or proprietor cannot act as a Commissioner until they be separately valued,—and therefore sustained the objection to Mr Hugh Dalrymple's vote. They also found, that in this suspension, which is a competition for the immediate possession, a term should be allowed for proving a voter's qualification, and therefore disallowed Sir John Sinclair's vote;—and they found that a minor could not act as Commissioner of Supply, and therefore rejected Mr Dalrymple Stair's vote, the objection being instantly proved by Lord Drummore his father,—and in this last question they found that Lord Drummore could not vote. They repelled the objection to Mr John Armour of the wrong spelling his title, and found that Brinkers, Fallahill, and young Preston's votes were good.

No. 2. 1742, July 30. ELECTION of CLERK of SUPPLY of BANFFSHIRE.

ONE of these Clerks having presented a bill of suspension of the election of the other, which the Ordinary refused;—on a reclaiming bill and answers, we found that the right of this election could not be tried by suspension, reserving reduction as accords,—and the reason was, that the necessary parties were not in the field, *i. e.* the electors.

No. 3. 1742, Dec. 8. SINCLAIR *against* COMMISSIONERS OF SUPPLY of CAITHNESS.

SINCLAIR of Southdun was Collector of Cess from 1731 to 1739 inclusive,—and as there was an arrear due by the County of 1000 merks or thereby of the preceding year, the like arrear of course remained in 1739 when he left the office, because the Receiver-General always imputes payment to the oldest arrears;—and the preceding Collector's first