

No 99. in his own teinds, by which the disburthened property came to be of greater value. See Div. 3. Sec. 1.

The payment of cess had originally nothing to do with the right of voting, having begun in the time of the troubles in the reign of King Cha. I. and at first not only teinds and fishings, but coal-works and salt-works, and all the customs and casualties of lands, and, by act of convention 1667, annualrents and tack-duties were taxed.

The persons who sat in Parliament were such as held lands of the Crown, which maintained tenants fit for military service, and not fishings.

Answered; The late statute having made no alteration concerning the subjects on which a man is entitled to be a voter, the question is determined by the practice of the nation ever since the act 1681, which has been to sustain the titles of all proprietors liable to public burdens for L. 400.

In the language of the law, lands comprehend all heritable subjects, wherein a man is infeft, as in the law of death-bed. But by the act of supply, as ordinarily past, no person can act as a commissioner unless he have lands to the amount of L. 20 *per annum*; and the act 12th Anne, concerning elections, says, whereas several conveyances of lands have been made for elusory sums not equal to the value of the estates, using these words as synonymous.

A gentleman who holds a fishing is as properly a freeholder as he who holds a farm, and fishers as fit for military service as tenants.

THE LORDS sustained the title.

Reporter, *Lord Justice-Clerk.*

Act. *Burnet.*

Alt. *Ha. Gordon.*

Fol. Dic. v. 3. p. 415. D. Falconer, v. 1. p. 118.

* * * See No 68. p. 8656.

1745. July 10.

FREEHOLDERS OF DUMBARTONSHIRE *against* CAMPBELL of Succoth.

No 100.

Found in conformity with the above.

MR JOHN CAMPBELL, younger of Succoth, advocate, a freeholder of Dumbartonshire, was infeft in the fishing *infra bondas* lie Crookedshot, extended to two merks *tempore pacis*, which, joined with his two merk land of Succoth, made up an extent of four merks; but here this difference occurred betwixt this case and the former, in favour of the claimer, that he was possess of lands adjacent to the fishing, and to which it belonged.

THE LORDS sustained the title.

Reporter, *Lord Kilkerran.*

Fol. Dic. v. 3. p. 415. D. Falconer, v. 1. p. 119.