

was not carried for applying : he has by the foundation two votes in matters of election ; which being granted him in that case, excludes any such claim in others.

REPLY 1st, The judging upon the application was committed to the General Assembly, and the judgment given by them is final ; which behoved to be, as within six months thereafter, all the present incumbents were to declare whether they desired to be comprehended or not, and choose their rates, or be concluded by the rate fixed by the act ; so that then the books were to be made up, and the trustees to know the state of the scheme, and proceed to its execution.

2^{dly}, The Principal has in all matters been accustomed to claim, and is entitled to a deliberative and casting vote : the College was founded by a Bishop, upon the plan of a Dean and Chapter, as appears by the foundation ; and if that gives expressly two votes in matters of election, it is because these were to be carried on in presence of the Rector, who, if it had not been otherwise provided, might have claimed the casting vote.

The Lords found that the College was in the same circumstances with all the other Colleges in the kingdom ; that they were entitled to the benefits conferred by the Act of Parliament, and subject to the burdens thereby imposed.

Act. R. Dundas. Alt. Burnet. Kirkpatrick, Clerk.

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1749. *January 19.*

DAVID and JEAN MARTIN, Supplicants.

ON the petition of David and Jean Martin, infant children of the deceased Alexander Martin of Dalquharn, and their nearest of kin ; The Lords named a factor *loco tutoris*, whom they expressly impowered to set tacks for seven years, of the grounds whereof the defunct was in the natural possession ; in respect it was represented the stocking would be got disposed of to more advantage, if there was an opportunity of selling it to a person who had a tack for years of the grounds.

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1749. *February 22.*

THE Lords Commissioners for plantation of kirks and valuation of teinds made an order that they would not receive any reclaiming bills, except within three several days of pronouncing the interlocutor reclaimed against.

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