

1766. *January 21.* SIR JOHN GORDON *against* ANDERSON.

No 10.

ANDERSON of Udal was base infest upon a disposition from Hugh Anderson, who held of the proprietor of the estate of Cromarty; and, this sub-vassal having conveyed the lands to Henry Davidson, who infest himself base upon the precept in that conveyance; THE LORDS found both of them qualified to act as Commissioners of Supply. *Fol. Dic. v. 3. p. 136.*

1767. *December 24.*

WILLIAM PULTENEY, and Others, *against* SIR JOHN GORDON, and Others, Commissioners of Supply for the County of Cromarty.

No 11.

Any private Commissioner of Supply may call a meeting of the Commissioners, where there is no convener.

At a general meeting of the Commissioners of Supply for the county of Cromarty, 30th April 1765, they chose Sir John Gordon convener.

At a meeting upon the 20th June, in consequence of an adjournment, the Commissioners elected Charles Urquhart of Braelangwell convener, and adjourned to the 8th of October.

Sir John Gordon having obtained suspension of the proceedings at this meeting, and particularly of the nomination of Mr Urquhart as convener, called a meeting upon the 12th September, when the valuations of certain lands in the county were divided.

Mr Pulteney brought a reduction of these divisions, upon this ground, among others, that they were made at a private meeting, not called by any authority, Sir John Gordon, at whose desire the Commissioners were assembled, having been divested of the office of convener.

Sir John Gordon *answered, 1st*, That the Commissioners could not arbitrarily supersede him; *and, 2dly*, That the suspension of the nomination of Braelangwell had the effect to reinstate him in that office.

THE LORD ORDINARY having taken the cause to report, the Court were unanimously of opinion, that the Commissioners might remove their convener at pleasure; *2dly*, That Sir John was not reinstated by the suspension; but repelled the reasons of reduction, upon a ground which had not been in the view of the parties, viz. that where there is no convener, any private Commissioner may call a meeting.

Mr Pulteney, in a reclaiming petition, *contended*, That a meeting could not in any case be called by a private Commissioner upon the following topics; *1st*, From the tenor of the whole supply-acts, from first to last, it is evident, that the legislature never understood, that the Commissioners had the power of assembling themselves. Originally, conveners were expressly named in the act; afterwards a certain day was appointed for their first meeting, which day the Sheriff was to intimate to them; and, after the first meeting, they were em-