

any defect in the division of his valuation, the freeholders in 1749 could not receive him. As to that point of law the Court was divided; but we first conjoined the two complaints together, and then found him entitled to be enrolled. The freeholders also sought expenses because they had done nothing amiss, but we found none due. (See DICT. No. 221, p. 8845.)

No. 51.

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1751. February 8.

SUTHERLAND of Swinzie *against* SUTHERLAND of Langwell.

No. 52.

SUTHERLAND of Swinzie having complained for refusing to enrol him, though he produced a sentence of the Commissioners of Supply, dividing the valuation of his lands of Risple from the lands of Langwell, whereby the first was valued at L.4 12s.;—the defence was, that the sentence was most partial and iniquitous, and for that reason they had raised reduction, wherefore the complaint was delayed till the reduction should come in, and which was reported by me this day:—the reasons of reduction were chiefly two. 1st, That the Commissioners had not qualified by taking the oaths. Answered, The act authorizes them to act, if they either had already qualified or should qualify, and they had all formerly qualified. Replied, The Supply Act 1748 and 1749 introduced another *proviso* obliging the Commissioners to qualify anew before they act in execution of these acts. Duplied, That *proviso* has an annexed penalty of L.20 sterling;—*Ergo*, Their acts are not void, only the penalty is incurred.—The second reason was, great iniquity in making the division. Answered, These Commissioners are Commissioners of Parliament, and none of their proceedings can be reviewed by the Courts of law. We were very unwilling to determine this last point, because of difficulty, and likewise of manifold inconveniencies on both sides, therefore we determined the first, and found these Commissioners not capable to act, and dismissed the complaint. *Vide* Sir John Gordon's Case, No. 53. (See No. 58.)

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1751. February 12.

SIR JOHN GORDON of Invergordon, *against* SIR JOHN GORDON of Embo,  
and M'KAY of Bighouse.

No. 53.

SIR JOHN GORDON of Invergordon having complained of the freeholders refusing to admit him on the roll of electors, and having on our warrant ex-