

R U N - R I D G E .

1698. December 7.

JOHN TAYLOR, Portioner of Holehouse, *against* The EARL of CALLANDER and SHAW of Dalquharne.

A RBRUCHELL reported John Taylor, portioner of Holehouse, against the Earl of Callander and Shaw of Dalquharne. This was a reduction of a division of run-rig lands made by the Bailie of the regality of Falkirk, upon the 23d act of Parliament 1695. The reason was iniquity, that you have taken away the land whereon stood my dwelling-house, kiln, barns, and brewery, and allotted me other lands, whereon there is no house nor accommodation at all; whereas the foresaid act requires the Judges to have regard to the mansion-house in the partition. *Answered*, The houses were but mean and inconsiderable, and cannot be meant by the mansion-houses expressed in the act of Parliament, and they will build as good to him. THE LORDS considered the act had not defined how many rooms the mansion-house should consist of, and that men have regard to the place of their birth, and where their predecessors have lived before them, *in qua vixit et defecit pater*, as the Law says, *et minor crevit*, L. 22. Ce De Adm. Tut. and this could not be restricted to towers and other large houses; therefore they reduced the division as iniquous, and if the parties insisted, appointed a new visitation to be made.

Fol. Dic. v. 2. p. 356. Fountainhall, v. 2. p. 23.

No 1.
The mansion-house, however mean, must be respected in the division.

1744. December 7. Sir JOHN HALL *against* ALISON CALLANDER.

IN a process of division, at the instance of Sir John Hall of Dunglass against Alison Callander, the LORDS found, " That small parcels of land, surrounded by a greater estate, and lying at distance from one another, but each parcel lying

No 2.
Lands lying mixed in larger parcels are not divisible as run-ridge.