

1755. *March 4.* DALRYMPLE, &c. *against* REID.

No 104.

LANDS mortified to a college, and afterwards alienated, give a qualification; and it is no objection, even upon the act 1681, that they hold neither ward, feu, nor blench; for, besides temporal lands of those different tenures, that statute expressly mentions church-lands; and mortified lands fall under that very predicament. Much less can any difficulty arise from the 16th Geo. II. which specifies no particular tenure, but bears in general 'lands holden of the King or Prince.'

Fol. Dic. v. 3. p. 414.

* * * This case is No. 33. p. 8613.

1759. ELLIOT *against* SHAW and OLIVER.

No 105.

FOUND, that a disposition of lands, containing an assignation to the charter, but reserving the property to the granter, with infestment thereon, is not a proper title for enrolment; for a reservation of this kind does not constitute the grantee vassal to the granter.—*See* APPENDIX.—*See* Bald *against* Buchannan, 8th March 1786, *voce* SUPERIOR AND VASSAL.

Fol. Dic. v. 3. p. 426.

1760. *March 6.*

SIR MICHAEL STEWART *against* The BOROUGH of PAISLEY.

No 106.

THE town of Paisley was first erected in 1488, into a borough of barony, in favour of the abbot of Paisley, and was by him disposed to the Bailies and Town Council, to be holden of the abbot. Afterwards, in 1658, William Lord Cochran, the lord of erection of the abbey of Paisley, resigned the superiority of this borough, in favour of the Magistrates, Town Council, and community, to be holden of the Crown; upon which a charter under the Great Seal and infestment were expedited.

Body-corporate cannot stand on the roll of freeholders.

The lands belonging to the borough, and which were thus made to hold of the Crown, were rated in the cess-books at L. 1078 : 6 : 8d Scots, of valued rent; and, among other public burdens, they were in use anciently to pay their share of the charges appointed by act 35th, Parl. 1661, to be furnished to the Commissioners elected to serve in Parliament for the shire.

In virtue of this freehold, the borough of Paisley stood on the roll of freeholders of the county of Renfrew for a long tract of years, and was in the regular use of sending a delegate to the meetings of freeholders, who was always