

county, for and towards payment of the above sum, hereby awarded in name of damages.”

In the above case, the Lords gave no expenses; the law libelled on does not allow them: but afterwards, on a petition, 4th March 1775, they gave expenses, but under the name of further damages.

See 4 *New Coll.*, p. 25.

RUN-RIG LANDS.

1777. *January 15.* WODDROP *against* GRAY.

THE division of lands lying run-rig proceeds on the statute 1695, c. 28. It contains a virtual exception of mansion-house and policy.

In a cause, Woddrop *against* Gray, two heritors in the neighbourhood of Glasgow, 14th June 1775, it occurred, What fell to be comprehended under the denomination of mansion-house and what under that of policy?

Under the word mansion-house seemed to be comprehended, not only the mansion-house itself, properly so called, but the offices, such as stable, barn, byre, coach-house and the like; which truly make a part of the mansion-house. As to a pigeon-house, especially if at a distance, there seemed more doubt; but as to sheds for cattle, sheep-houses, or the like, these were appanages of the land, and not parts of the mansion-house.

Policy, again, seemed to comprehend gardens, orchards, and plantations immediately adjoining to the mansion-house.

The Lords, before advising, remitted to Lord Alva, to inquire further into facts concerning the building of the offices, the time of doing so, &c. and to report.

His Lordship reported accordingly, and, upon advising the whole, the Lords pronounced this interlocutor:—“Find that offices proper and necessary for the proprietor of the mansion-house are no proper subject of division under the Act 1695; and remit to the Ordinary to proceed accordingly.”

As to the mansion-house itself, see Fount., 7th December 1698, *Trotter*.

1774. *January 28.* DAVID RUSSELL, and Other FEUARS of Tranent, *against* The YORK-BUILDING COMPANY.

DAVID Russell, and Others, feuars of the run-rig lands of Tranent, a burgh of barony, pursued a division thereof on the Act 1695, in which they were opposed by the York-Building Company, the superiors, and others. It was admitted that the lands lay really run-rig; but the question came, Whether the

division should stop; because there were lands belonging to eight different proprietors, which lay contiguous, that is, not in separate parcels, and from which, it was contended, they could not be removed. The question was truly the same which occurred in the case of Inveresk, 13th November 1755, with this single difference, that, in place of only one single property intervening to stop the division, here there were several. But the Lords, on report of Lord Kaimes, repelled the objections to the title of the pursuers, and to the competency of the action, and allowed the division to proceed: and repelled the objection, that the eight feuars have their several properties in one plot, each by themselves, and cannot be transported from one station to another; and found that it was competent to the Commissioners, in making the division, to set off the shares of the parties on either side of the town, as shall be most convenient for the general interest, and without regard to the place where their respective possessions were before the division.

And, on reclaiming petition and answers, the Lords adhered.

1777. *January 22.* DOUGLAS of DOUGLAS and THOMAS FORREST *against* INGLIS and other FEUARS in DOUGLAS.

THE burgh of Douglas is a burgh of barony holding of the family of Douglas. From time to time the family had feued out houses and yards, and other pieces of lands adjacent to the burgh, to the different feuars. The feuars had, besides, a right of servitude of pasturage, &c. on the commonty of Douglas. But then the subjects of the feu were specially designed and bounded in the several feu-rights. Mr Douglas was superior of the whole, and proprietor of a part of the run-rig lands, and he was superior and proprietor of the common, subject to servitudes.

In process of time, many of the pieces of land feued out, having past through several hands, and been acquired by different persons, became parcelled out into many pieces, and lay in many places run-rig. And this situation of the lands being found inconvenient, Mr Douglas, and one of the feuars, raised a process of division, first of the run-rig lands, and next of the commonty: the libel did not set forth specially the statutes 1695, c. 23, and _____, but made a general reference to the statutes for run-rig and division of commons. As to the runrig lands, it was doubted how far, where portions of land are feued out, specially marched and designed, and so far as they extend, lying contiguous, whether these could be reckoned run-rig, in a process of division at the instance of the superior who had feued them out, and who seemed to be debarred from pleading that they were run-rig, even supposing they were so, by being afterwards divided among different proprietors. And further, it was doubted how far a special contiguous property, which remained the case with others of them, could be forced into a division of run-rig; or fall under the Act 1695.*

* Parties did not agree, whether the lands, when feued out, were run-rig, or whether they only became so by after purchases.