

It is true that his lands did once belong to separate proprietors ; but being consolidated, and formed into an *universitas* in his person, and the town of Glasgow as sole superior, having confirmed his right to this *universitas*, it would be the greatest hardship imaginable, that, after much pains and care have been employed, and a high price paid for getting together a convenient estate, holding of one superior, and this has been homologated and approved of by the superior, it should be in the power of the superior to split and multiply in the manner that has been done.

No. 14.

The law has not said that it is necessary for lands to have been one estate for any particular length of time, in order to give their proprietor a right to oppose the multiplication of superiors. This right commences *eo momento*, that there is one estate holding of one superior, although it should be made up of different lands. In fine, the defender maintains, that whenever there is an estate, belonging to one vassal, received by one superior, there can thereafter be no separation without the vassal's consent. And the general principle is much stronger in this case when consideration is had of the clause in the feu-contract, by which it is provided that the lands should be held for ever of the Magistrates of Glasgow, and their successors in office, without any mention of assignees.

The Court "refused the petition, and adhered to the Lord Ordinary's interlocutors."

Act. J. Boswell.

Fol. Dic. v. 4. p. 313. Fac. Coll. No. 131. p. 347.

1781. January 31. DUKE of MONTROSE against SIR JAMES COLQUHOUN.

No. 15

The Duke of Montrose having, with the design of creating freehold-qualifications, parcelled out the superiorities of certain lands, belonging in property to Sir James Colquhoun, among fourteen different persons, by granting them life-rent-rights, the Lords reduced these rights, in an action at the vassal's instance, on the ground of the prejudice he sustained from the undue multiplication of superiors.

Fol. Dic. v. 4. p. 312. Fac. Coll.

* * * This case is No. 195. p. 8822. *voce* MEMBER OF PARLIAMENT.