

On reclaiming petition, the Court adhered.

The Lord Ordinary thereafter “found and declared that Charles Ross of Balnagowan, had the only good and undoubted right to the lands and estate of Balnagowan, and that the Earl of Moray and other defenders called, in Balnagowan’s declarator, had no right thereto, and ordained the defenders to desist from troubling and molesting the said Charles Ross, in the possession of the said estate, and decern accordingly.”*

1782.

 THE EARL OF MORAY
 v.
 ROSS, &C.
 Jan. 25, 1744.

Against these interlocutors the present appeal was brought to the House of Lords.

After hearing counsel,

It was ordered and adjudged that the interlocutors complained of be, and the same are hereby affirmed.

For the Appellant, *Al. Lockhart, C. Erskine.*

For the Respondents, *R. Craigie, W. Murray.*

[Fac. Coll., Vol. viii., p. 46, et Mor. 8822.]

WILLIAM, DUKE OF MONTROSE; JAMES, MARQUIS OF GRAHAM; JOHN GRAHAM of Duchray; GEORGE GRAHAM of Kinross, and Others, } *Appellants;*

Sir JAMES COLQUHOUN, Bart. of Luss, } *Respondent.*

1764.

 THE DUKE OF MONTROSE, &C.
 v.
 COLQUHOUN.

House of Lords, 19th February 1782.

SUPERIOR AND VASSAL—MULTIPLICATION OF SUPERIORS.—Held that the superior was not entitled to grant certain liferent conveyances of the superiority of the vassal’s lands, so as to multiply superiors over him, and the dispositions reduced.

The family of Colquhoun had at different times, by grants directly to themselves, or by purchase from other grantees, accumulated a very considerable estate, holding under the dukedom of Lennox, each of these parcels of land originally

* For opinions of the Judges, *vide* Elchies, vol. ii., p. 451.

1782.

THE DUKE OF
MONTROSE, &C.v.
COLQUHOUN.

granted by separate titles, and paying separate and distinct quit rents, or reddendos, to the family of Lennox, the over Lords.

In 1755, the present respondent obtained from the commissioners, appointed by the Duke of Montrose to manage the affairs in Scotland, a charter of all the lands he held under the dukedom of Lennox, consisting of no less than ten several parcels, for each of which there is a separate quit-rent or reddendo. Eight of these are held for payment of one penny Scots each. The ninth for payment of a pound of pepper if *petatur tantum*. The tenth was formerly held ward; but since the Act was made for abolishing ward holdings, it had been changed to a feu holding for payment of a quit-rent or feu-duty of 8 pounds 7 shillings and one penny Scots.

The Duke of Montrose, wishing to give freehold qualifications in the county of Dumbarton, to several of his friends, did, for that purpose, resign the greatest part of the dukedom of Lennox, and particularly the estates held under the dukedom by the respondent, Sir James Colquhoun, in favour of his only son, the Marquis of Graham, who passed a charter thereof under the Great Seal.

After which, the Marquis executed liferent dispositions in favour of the fourteen gentlemen, appellants in this cause, of parcels of the superiority of the lands held by the respondent, under the dukedom of Lennox, and assigned them severally the precept of sasine in his crown charter, by virtue of which they were regularly infeft.

The respondent brought an action to reduce and set aside these several liferent dispositions and infeftments, on the ground that the whole lands therein contained, were holden by him of and under the said Duke, and, therefore, could not be separated in the manner attempted by these dispositions, without multiplying superiors upon him.

July 11, 1780. Lord Kaimes, Ordinary, pronounced this interlocutor:—
“Sustain the reasons of reduction, and reduces, decerns, and declares in terms of the libel.” On a representation he adhered.

Aug. 8, 1780.

The appellants reclaimed to the Court; and in his answers to that reclaiming petition, the respondent maintained, that a multiplication of superiors subjects the vassal to grievous inconveniences and hardships, because, 1st, In the present case, he must have recourse to fourteen superiors, and must have fourteen different charters, before he can be fully entered in, or invested with, his estate. 2d, He must account to, and settle

with, fourteen different superiors, the fine and sum to be paid the superior for relief, on granting such entry, besides the non-entry duties for the years that the vassal was unentered. 3d, He would have to account to fourteen different superiors annually, for the quit-rents, whether they were feu or blench duties, by which he held the lands.

1782.

 THE DUKE OF
 MONTROSE, &C.
 v.
 COLQUHOUN.

The Court pronounced this interlocutor:—"The Lords Feb. 1, 1781.
 "having advised this petition with the answers, they repel
 "the reasons of reduction in so far as relates to the charter
 "in favour of the Marquis of Graham, and with that variation,
 "adhere to the interlocutor of the Lord Ordinary reclaimed
 "against, and refuse the desire of the petition: Find expenses
 "due; and appoint an account thereof to be given into
 "Court." On second reclaiming petition the Court adhered. Feb. 17, 1781.

Against these interlocutors the present appeal was brought to the House of Lords.

After hearing counsel,

It was ordered and adjudged that the interlocutors complained of be, and the same are hereby affirmed.

For the Appellants, *Henry Dundas, Tho. Erskine.*

For the Respondent, *David Rae, Ilay Campbell.*

JAMES DALRYMPLE, Esq., and Dr WILLIAM
 DALRYMPLE, one of the Ministers of Ayr,
 JOHN BALLANTINE, Merchant in Ayr,
 WILLIAM PATERSON, Writer in Kilmar-
 nock, and Others, } *Appellants;*

1784.

 DALRYMPLE,
 &C.
 v.
 HUNTER, &C.

ROBERT HUNTER, Esq. of Thurston, and
 ELIZABETH, COUNTESS OF GLENCAIRN,
 JAMES, EARL OF GLENCAIRN, and
 Others, } *Respondents.*

House of Lords, 17th June 1784.

ENTAIL—FETTERS.—An entail prohibited the sale of the estate, and laid the fetters on the "substitutes *before mentioned and described by name.*" Held that this was sufficient to include within the fetters the descendants of the body of those substitutes.

The lands of Orangefield and Prestwickshaws, having been sold to the respondent, Mr Hunter, a question arose whether