

sion on a contract of marriage. He had both characters in him; so that it was not agreed that M'Harg had committed any mistake. However, independent of this, the Lords sustained action for his account, and the Lord Ellick, Ordinary, having decerned for his account, the Lords, on a reclaiming petition without answers, adhered. It would have been of very dangerous consequence had they done otherways. The neglect must be of a different kind to infer damages.

REVOCATION ON DEATH-BED. See DEATH-BED.

RIOT ACT,

1. Geo. I. c. 5.

1775. *March 4.* MILN of MILNFIELD *against* The COUNTY of PERTH.

ON the 8th of January 1773, a riotous mob made an unprovoked attack on the house of Milnfield, demolished the house, destroyed the furniture, plate, and papers. In an action on the statute of Geo. I. called the Riot Act, the Lords pronounced this interlocutor:—"The Lords find it averred by the pursuer, and not denied by the defenders, that, at the time libelled, a great number of persons, amounting to several hundreds, being unlawfully, riotously, and tumultuously assembled to the disturbance of the public peace, did repair to the house of Milnfield in the county of Perth, belonging to the pursuer, and, having forcibly entered said house, did unlawfully, and with force, demolish and pull down part of said house: And find it averred by the pursuer, and ascertained by the report of tradesmen, and not objected to by the defenders, that the pursuer did thereby sustain damage to the extent of £79:19s.; therefore, and in terms of the Act 1st of Geo. the First, libelled on, find the defenders, the householders residing within the county of Perth, liable, conjunctly and severally, in the said sum to the pursuer; decern against them, or any two of them, for said sum accordingly; but find the defenders not liable in the other damages claimed by the pursuer, upon account of furniture destroyed, and otherways; and sist execution against the persons hereby found liable, till the 25th of July next, in order that the Justices of the Peace of the county of Perth may, betwixt and that time, tax and assess, rateably and proportionally, according to their abilities, the whole householders residing within the said

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