

P R O P E R T Y.

1613. *March 10.* SOMERVILLE *against* SOMERVILLE.

IN an action betwixt Jónh Somerville and Alexander Somerville, the LORDS found, that albeit both their rights proceeded *ab eodem auctore*, yet seeing John Somerville's tenant was not obliged in a servitude to the other pertaining to Alexander Somerville, that he might lawfully bigg *ad cælum usque*. *Item*, It was found, that albeit John Somervilie bigged after the Dean of Guild's discharge, that he should not be obliged to demolish, seeing it was now tried *quo jure edificavit*.

No 1.

Fol. Dic. v. 2. p. 274. Kerse, MS. fol. 110.

1619. *January 19.* SIR JAMES CLELLAND *against* CLELLAND.

ANE action to suffer Sir James to bigg a bridge over a foord of Peddersburne on both the sides thereof, both of his own of Munkland, and the defender's of Fosken, because there has an old way been these 40 years from Munkland to the kirk, and for the hail lieges be east to Glásgow be that foord; whilk foord is now grown so deep, as it is impassable by foot or horse, at ilk speat with great danger. **THE LORDS**, *in foro contradictorio*, find the summons relevant, and assign a day to prove. *Nota*, There was, in that same session, a visitation appointed be ane other act before Clerk Hay.

No 2.

A neighbour may build a bridge over a foord become impassable, and fasten it on the other side in another's lands.

Fol. Dic. v. 2. p. 274. Nicalson, MS. No 527. p. 364.

1624. *June 25.* COMMISSARY BANNATYNE *against* CRANSTON.

MR JAMES BANNATYNE, Commissary of Edinburgh, pursues ——— Cranston of Skatisbus to hear him decerned to restore a burn which run betwixt

No 3.

Action sustained for re-