

## PLANTING AND INCLOSING.

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1734. *June 7.*      FERGUSON of Auchinblain *against* MACNIDDER.

No. 1.

UPON the act 1698 found *1mo*, If planting be destroyed by any in the tenant's family, the tenant is liable; *2do*, If it is proved to be cut during the tenant's possession *præsumitur* cut by some in the tenant's family, unless he prove who cut them; *3tio*, Natural wood not used to be preserved for sale, nor of such value as to be worth preserving, and wherein cattle are in use to be pastured, is not growing wood in the sense of the act, that the tenant is bound to preserve. (See DICT. No. 7. p. 10,479.)

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1738. *February 28.*      ORD *against* WRIGHT.

No. 2.

MARCH-DIKES.—Action against a neighbouring heritor for his half of the charges, not competent where the whole or most part of the dike is built before requisition made to that neighbour to join in the building, and the practise in 1679, Seaton against Seaton, (DICT. No. 2. p. 10,476,) repelled, 23d February 1738.—Adhered February 28th. (See DICT. No. 8. p. 10,479.)

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1739. *July 3.*      DOUGLAS *against* PENMAN.

No. 3.

THE clause of the 41st act 1661, that concerns march-dikes, found not to extend to small pieces of ground of six or eight acres. (See DICT. No. 9. p. 10,481.)