

No 2. contiguous, and not run-rig, did not fall under the act for dividing of lands lying run-rig." See APPENDIX.

Reporter, *Lord Tinwall.*

*Act. W. Pringle.*

*Alt. J. Philp.*

*Fol. Dic. v. 4. p. 246. D. Falconer, vol. 1. p. 21.*

1755. November 13. The HERITORS of Inveresk *against* JAMES MILNE.

No 3. A large tract of ground round the village of Inveresk belonged to many proprietors, whose properties lay run-rig. James Milne was proprietor of part of the run-rig lands, and particularly of six acres lying together in an oblong form.

Some of the proprietors having brought an action of division of these grounds, upon the act of King William anent run-rig, James Milne opposed the division as to his six acres which lay together; and *objected*, That the act was confined to the division of grounds lying in alternate ridges; but could not be extended to several acres of ground lying together.

"THE LORDS repelled the objection, and ordered the division to proceed."

*Act. Sir John Stewart.*

*Alt. And. Pringle.*

*J. D.*

*Fol. Dic. v. 4. p. 246. Fac. Col. No 162. p. 243.*

1766. November 21. WILLIAM BUCHANNAN *against* JOHN CLARK.

No 4.

The act 1695 found not to apply where the fields required to be divided amounted to 13 acres.—

WILLIAM BUCHANNAN and John Clark were proprietors of the lands of Little Udston, which consisted of 112 acres, partly infield, partly outfield.

The infield land consisted of three fields of 13, 29, and 41 acres, two of which, being the fields of 13 and 29 acres, belonged to Clark, the other of 41 belonged to Buchannan.

John Clark being desirous to have his two fields inclosed, and that Buchannan should be subjected in half the expense, brought a process before the Judge Ordinary, founded on the 41st act, 1st session, 1st Parliament of Charles II. subsuming, that he was about to inclose several parts of the lands of Little Udston, and particularly two fields, one of 13, and the other of 29 acres, which lay conterminous to William Buchannan's lands, and concluding, that Buchannan should be decerned, in terms of the act, to bear an equal expense in raising a fence to divide their inheritances.

It was *pleaded* in defence, That as the lands required to be inclosed lay run-rig, the act of Parliament above founded on could not apply, until the lands were divided; and, in order to obtain a division, Buchannan brought a process against Clark, founded on the act of Parliament 1695.