

glen, for finding lawburrows to them, in June 1595, and the year preceding, one Crichton against Sanquhar.

No 8.

Fol. Dic. v. 1. p. 533. Haddington, MS. No 409.

1501. July 24. EARL of CASSILLIS *against* KNOCKDOLOAN.

No 9.

IN an action betwixt the Earl of Cassillis and the Laird of Knockdoloan, an horning for not finding of lawburrows was found null, because the raiser of the charge had not made faith before the charge was given.

Fol. Dic. v. 1. p. 532. Haddington, MS. No 656.

* * * A similar decision was given 1583, — against Bishopton, No 1. p. 5731.
voce HORNING.

1604. February. WALLACE *against* LAIRD of HAYNING.

No 10.

IN a contravention pursued by one Wallace against the Laird of Hayning, the LORDS found, That the contravention was not relevantly libelled, being only founded upon boasting and chacing, without any harm or skaith; therefore the pursuer eiking to his libel that his servants were chaced down and stricken by the defender, the summons was found relevant.

Fol. Dic. v. 1. p. 533. Haddington, MS. No 705.

1604. February. SHAW *against* WILKIESON.

No 11.

THE Laird of Shaw pursued James Wilkieson for contravention of lawburrows, through casting of feal and divots upon his proper lands, and pasturing his guidis thereupon:—THE LORDS found not the summons relevant for pasturing nakedly, while the pursuer eiked his summons with the words herded and kept the same upon his proper lands, which was found relevant.—It was further *alleged*, That he did no wrong in casting divots, because he being infest in the miln and miln-land, land of —, and thereby having pasturage and commonty through the hail lands of the said town, he did no wrong to cast feal and divot upon the ground thereof.—It was *answered*, That no such privilege nor use of pasturage and commonty could give him liberty to cast divots upon the pursuer's proper said lands; albeit, because he offered him to prove that he did cast them upon his proper arable land, which he tilled and sowed diverse years before the said fact, and which was presently tilled, ready to sow. In respect of the which reply, the LORDS rejected the allegiance.

Fol. Dic. v. 1. p. 533. Haddington, MS. No 707.

Pasturing of cattle does not infer contravention, unless herding be also libelled.