

D O V E C O T E.

1682. *November.* DURIE of Grange *against* HERITORS of Burntisland.

No 1.

A DECREET being obtained for the demolishing of a dovecote upon a new foundation, because the builder had not ten chalders of victual, conform to the act of Parliament; the LORDS found, that the party was not obliged to demolish the dovecote, seeing the house might be employed to some other use; but decerned the defender to build up the head of the dovecote, so as doves could not enter, and to continue it so till he acquired an estate conform to the act of Parliament. Here the dove-house did not consist of a few holes, which are usual on the top of another house, but contained five or six hundred holes.

Fol. Dic. v. 1. p. 251. Harcarse, (DECREETS) No 401. p. 106.

1731. *January 19.* KINLOCH of Conland *against* WILSON.

No 2.

By act of 19th Parl. 1617, it is ordained, 'That none thereafter shall have the privilege to build a dovecote, unless he has ten chalders of victual.' But if one purchase lands with a dovecote from an heritor, who had the privilege of a dovecote, he may enjoy the same privilege, though he be not possessed of ten chalders of victual. And it was found, that if there was a dovecote at the time of the purchase, the purchaser might repair or rebuild [it upon the same foundation, but with no more dovecote holes than the former had; but, if it was ruinous, at the time of the purchase, he could not rebuild it. See APPENDIX.

Fol. Dic. v. 1. p. 251.