Chap. 9. [redacted]

Vid. Vol. pag. 499. 918. & Vol. 2. pag. 542. 543. 755.

Of Planting & Inclosures.

All free holders were ordained to cause their Tenants plant woods and hedges and sow Broom in Convenient places, Act 80 Parl. 14 J. 2. And every Lord & Laird to Make parks with Deer stanks, Cunningaires, Dowcats Orchards and Hedges, and plant at least an Aikre of wood where there is no great woods and forrests Act 74 Parl. 6 J. 4.

Where any person intends to Inclose his lands by Dike or Ditch, and the Marches are Crooked and Unequal or Unfit for Dike or Ditch, he may Require the sheriff Justices of peace or other Judge ordinary, to Visit and Regulate the Marches, by adjudging pieces hinc Inde with the Least prejudice to either party, and Ordaining any superplus price that happens for Adjusting to be paid, that such a Dike or Ditch be thereafter the Common March Act 17 Parl. 2 sess. 1 Ch. 2. Act 39 sess. 1 Parl. J. 7. For the Encouragement of Heretors wadsetters and life renters to Inclose and plant their ground, they are allowed to cast about the high ways to their Conveniency not Exceeding 200 ells on their whole ground. And where the Inclosures fall to be made on Marches, the Next Heretor Undergoes half the Charges Ibid. & Act 41 sess. 1 Parl. 1 Ch. 2. But where the Neighbouring Heretor was not Required to Concur in the building, an Abatement was allowed to him of his share of the Expence thereof, in so far as he might have built Cheaper by using his own servants and Materials 9 January 1679 Seaton contra Seaton. Where part of a March is a stripe of Water or burn, an heretor building within it upon his own ground cannot Require his Neighbour on the other side of the Water to pay the half of his charges. But if the Dike be built in the very Channel of the Water, so as it may Run a Space within and a Space without the Dike, that either party may have the Benefit of watering thereat, the Dike will be upon the Equal Charge of both 21 July 1669 Earl Crawford contra Rig.