

PUBLIC POLICE.

1497. *November 14.* PATRICK COCKBURN *against* ALEXANDER RAMSAY.

No 1.

GIF ony persoun biggis ony housis or tenementis upon the commoun streit, within ony of the King's burghis, the samin aucht and sould pertene to the King's Hienes, as eschete throw purpresture, and may be gevin and disponit be him to ony persoun as he pleisis.

Fol. Dic. v. 2. p. 294. Balfour, (PURPRESTURE.) p. 442.

1724. *July 21.*

The TENANTS of LIBERTON, NEWTON, and LASWADE, *against* The JUSTICES of the PEACE of the SHIRE of MID LOTHIAN.

No 2.

UPON application to the said Justices, Mr Baird, younger of Newbyth, was authorised to inclose a piece of ground through which the highway passed, and to cast about that old way, upon his repairing and making good a new one upon his own charges, with the assistance of the Tenants of that and the neighbouring parishes, for carrying the materials to lay the same; he thereafter obtained a warrant from the quarter-sessions to a *quorum* of their number, to cause call out the adjacent Tenants of Libberton, Newton, and Lasswade, to be assistant in the said work, and to grant warrant for poinding them in case of refusal, conform to act of Parliament.

Where an heritor had cast about a highway for his own benefit; found the Justices could not call out the tenants, &c. to assist at making it.

The Tenants raised suspension of these proceedings upon the following grounds, *imo*, Without an express act of Parliament, no person could cast about an highway; and therefore he who has the benefit of it, ought certainly