

No 17. to the house. A distinction should be made between what is fixed, and what not. Damage done to the first should only be repaired.

“ THE LORDS found the defender liable for the damage done to the house, but not for that done to the furniture. See APPENDIX.

Reporter, *Auchinleck.* Act. *Henry Dundas.* Alt. *Montgomery.*
J. M. *Fol. Dic. v. 4. p. 197.* *Fac. Col. No 15. p. 25.*

1769. *March 7.*

MARGARET, ELIZABETH, AGNES, and ISOBEL GARIOCHS, against Mr ROBERT KENNEDY.

No 18.

Stillicide.

THE LORDS refused a petition, reclaiming against an interlocutor of the Ordinary upon the bills, refusing a bill of advocacy of a decree of the Dean of Guild of Edinburgh, by which it had been found, that, though 18 inches must be left free between two buildings in burgh, where there are two eave-drops, yet, where the new building is so constructed, as that there is but one eave-drop, nine inches are sufficient.

This rule, it was observed upon the Bench, is not founded in written law, but upon general custom.

Act. *W. Baillie.* Alt. *A. Fergusson.* Clerk, *Kilpatrick.*
G. F. *Fol. Dic. v. 4. p. 198.* *Fac. Col. No 96. p. 176.*

1774. *November 15.*

JAMES BUCHANAN, Dean of Guild of Glasgow, against PATRICK BELL.

No 19.

Whether the dean of guild has power to make general regulations for removing what, though not strictly a nuisance, may be deemed a deformity, and prove discommodious to the inhabitants and the public in general?

MANY of the inhabitants of Glasgow had a practice of fixing large shades, or water-barges, on the fronts of their houses, in order to convey the water from them. It was represented to the Dean of Guild, That these water-barges were exceedingly prejudicial; that not only they were ugly to the eye, and hurt the regularity and beauty of the streets, but, by projecting considerably beyond the houses, they encroached upon the street, and rendered it in some places very narrow; that, besides, they collected the water which fell upon the tops of the houses, and threw it out upon the streets, by which means the streets were often covered with water, and the rain, so collected in these water-barges, was poured upon the inhabitants, as they passed along the streets.

This matter being enquired into by the Dean of Guild Court, in April 1773, the Court ordered these water-barges to be taken down against the 1st of May;