

servitude, on which point a proof had been allowed, that he was not entitled to any expense of that part.

It appeared to the Lords, that this Act of Parliament for encouraging the white-fishing deserved a liberal interpretation; and that the ground, or beach, where these fishers were in use to land, and erect huts, &c., was truly the species of ground pointed at in the Act of Parliament. It was a stony beach; and though rocks might, by force of money, be improved, yet this sort of ground could not; neither therefore could it be damaged.

Mr Bruce Stewart reclaimed; and, upon advising his petition, with answers, (7th February 1777,) the Lords adhered, and afterwards modified the damages and expenses of process, to be paid to Mr Mowat, to the sum of £80 sterling.

See, on this subject, Papers in the Election Complaint, *Lord Adam Gordon* against *James Duff, Sheriff-Clerk of Elgin*, decided 2d July and August 1773.

1777. January . SIR JAMES GRANT, &c. against DUKE of GORDON.

IN a process for regulating the Duke of Gordon's cruives upon Spey, in the dispute betwixt his Grace and Sir James Grant, &c.; the Lords found that the rings of the hecks of the Duke's cruives behoved to be formed either in a round or oval shape: and if in an oval, That the longest axis of the oval behoved to be set in the line of the stream, and be placed at three inches from each other, and made only as strong as was sufficient to resist the force of the water. All this was to facilitate the passage of the fish, and in favours of the superior heritors. They found also, that the inscales behoved to be placed at the extremities of the cruive box, and to afford an entry into the cruives equal in wideness to the side of the cruive box next the sea: that they behoved to be taken out during the Saturday's slap, except in time of flood, when that could not be got done; but that, at that time, they should be fixed back to the sides of the cruive box: that the cruives should be placed on the bottom or channel of the river, and that the face of the cruive box should not project beyond the cruive dyke. And the Lords appointed these and certain other regulations to be observed by the Duke in placing and constructing his cruives, and to be completed before beginning of the fishing season, under the penalty of £50 over and above performance; and so to be continued under the like penalty to be paid by the Duke, his heirs, and successors, transgressing or opposing them, *toties quoties*, to such of the respondents, or their heirs or successors, who should sue for the same.

1777. June 25. SIR JAMES COLQUHOUN against CAMPBELL OF STONEFIELD.

SIR James Colquhoun, and his predecessors, stood infest in the salmon-fishing and other fishings of Loch-Lomond, "*et ab illo lacu deorsum in fluxio de Leven ad mare saleum.*" In a question betwixt Sir James and Mr Campbell