## JURISDICTION. APPENRIK, PART 47

Sighally beradyised, but in respect, the objection of incompetency was never "pleaded for the suspender till he applied for a suspension, Find him liable to the Hothergers in the espenses incurred by them before the inferior court, and remit 56 to the Lord Ordinary to proceed accordingly." And to this judgment they (14sh June 1776) unanimously adhered.

Act. G. Wallace. Alt. W. Craig. Lord Reporter, Covington. religio di l'andre di secono da sono di di - Carl Chieve , totalis a set a anti a sata da

## a touped on 1776. August 10.

shows will ber no letter it is settlering little set as it to descept THE Duke of Gordon brought an action against Sir James Grant, heritor of The Court a superior part of the river Spey, for contravention of the regulations enacted in the statues regarding salmon fishing, and craving that the court should ordam observance of them unlier penaltiess Buynd Buthan and the

DUKE OF GORDON against SIR JAMES GRANT.

The defender contended, that as the law has imposed no penalty for contravening these regulations; the Courf can impose home, and that it is only competent to sile for damages: That although the Court had interfered to enact penalties in former instances, yet in the case of Carnegie against Scott, Both June 1783 No. 84. 1pd 78 52 joine decision of the Court of Session had been troublecome and expensive to execute these in that country, herause, bestever The Court held, that the reversal of their judgment in the case of Scott had proceeded in consequence of a compromise, and that it was proper and necessary to enforce the regulations by penalties, which they according did. W. M. M. to real as the cash and the to left yet of the the the the

is soft on pairs man not in work and all which have the called to stand of a the stand of the discussion of the stand. Const, where coursed the interlocest, + Renews the interdict in surger 1777, Michery 5 and out of solid or model without all in the shirt of the WILHIAM MOWAT of Garth, against JOHN BRUCE STEWART of Sembister.

THE lands of Garth in Shetland are about 20 miles distant from some islands or rocks on the east side of Shetland, called the Skerries. Near these islands is a considerable fishery, on account of which their shores and beaches are frequented by the fishermen. The fishers land, their boats, erect huts within seamark, and cure and dry their fish. This they consider to be in conformity with the privileges of general fishery conferred by statute 29th Geo. 2d, by the statute

Cap. 23. .... past the memory of man, of exercising this privilege.

to The greatest part of these isles or rocks belonged to the sequestrated estate of Girlista, held in tack by Mr. Bruce Stewart.

and account to electric to expandence in the second terms of the second terms of the second terms of the second

No. 3. enacted penalties to enforce the statutable regulations respecting salmon fishing.

See No. 98. p. 7384.

No. 4, Competent to sue in the Court of Session, declarator of the right of fishery conferred 29. Geo. 2. Cap. 23. and action of damages for infringing that right.

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No. 2.