

He was a party to nominating these gentlemen, and he accepted their deliverance as genuine. Moreover, he paid the amount of the award under it. What in these circumstances had the other party to do with Mr Winans? If, according to this missive of lease, which was the only title to possession, the rent was well fixed as in a question with Boyd, it was well fixed as in a question with any possessor under the lease, and if Mr Winans is not content to continue his possession upon the rent well fixed as in a question with the party from whom alone he derives his title to any possession he may go away. If he remain, the condition, in my opinion, of his remaining is that he shall pay the rent which under the only title of his possession has been well fixed as in a question with the party from whom he derived his title to possess. And so, if it is well fixed as in a question with Boyd, I could not listen to the argument that it is not well fixed as in a question with any possessor deriving right only from him.

Upon the whole matter I am of opinion that the Sheriff's judgment is right in the result, and that this rent, well fixed as in a question with Boyd, and in my opinion well fixed as in a question with anyone possessing through him, must be paid by Mr Winans as the possessing party. The judgment of the Court will be to dismiss the appeal, and with expenses.

The LORD JUSTICE-CLERK was absent.

The Court dismissed the appeal, and affirmed the judgment of the Sheriff, and found the appellant liable in expenses.

Counsel for Pursuer—Trayner—W. C. Smith.  
Agents—Gordon, Pringle, Dallas, & Co., W.S.

Counsel for Defender Boyd—Mackintosh—  
MacLennan. Agents—J. & A. Peddie & Ivory,  
W.S.

Counsel for Defender Winans (Appellant)—  
J. P. B. Robertson—Pearson. Agents—Skene,  
Edwards, & Bilton, W.S.

Friday, January 9.

## FIRST DIVISION.

[Lord Fraser, Ordinary.]

STUART GRAY v. FLEMING AND ANOTHER.

*Property—Salmon-Fishings—River—Boundaries.*

In an action brought in 1874 to determine the right to salmon-fishings in the river Tay, the Court pronounced a decree finding that the pursuer had the sole and exclusive right of salmon-fishing *ex adverso* of a piece of ground which lay to the westward of a certain shore as indicated on a plan produced. The pursuer in 1884 brought an action to give effect to this decree by having the boundaries of the fishing determined. *Held* that on account of the peculiarities of the case the ordinary rule that the boundaries of salmon-fishings *ex adverso* of land upon a river are to be fixed with reference to the *medium flum* of the river by dropping perpendiculars from the land boundaries at right angles to the *medium flum* was not applic-

able, and boundaries fixed in accordance with the report of a man of skill.

This was the sequel of the case of *Baroness Gray* against *Sir John Stewart Richardson of Pitfour and Mrs Fleming of Inchyra*, reported 14th July 1876, 3 R. 1031, 13 S.L.R. 230, *aff.* 4 R. (H. of L.) 76. In that action the Court of Session found "that the pursuer had the sole and exclusive right of salmon-fishing in the river Tay *ex adverso* of that piece of ground formerly called the Meadow Pows or Powlands of Inchyra, which lies to the westward of the shore indicated by the letter C on the plan No 79 of process . . . Find that neither of the defenders have any right of salmon-fishing *ex adverso* of the said piece of ground."

That decision was affirmed in the House of Lords.

This was an action at the instance of Edmund Archibald Stuart Gray, of Gray and Kinfauns, the successor of Baroness Gray, against Mrs Fleming of Inchyra, and her husband the Rev. Archibald Fleming, and against Sir James Thomas Stewart Richardson of Pitfour, the successor of Sir John Richardson, to have it found and declared "that the western boundary of the salmon-fishing in the river Tay belonging to the pursuer, *ex adverso* of that piece of ground formerly called the Meadow Pows, or Powlands of Inchyra, which formerly belonged to the pursuer's predecessors, and which now belongs to the defender Sir James Thomas Stewart Richardson, is a line drawn across the said river due south from the point indicated by the letter P on the plan produced, and that the eastern boundary of the said fishing is a parallel line drawn across the said river due south from the point indicated by the letter C on said plan: Or otherwise, that the western and eastern boundaries of the pursuer's said fishing are lines drawn across the said river from the points indicated on said plan by the letters P and C, or by the letters Q and C, in such direction, either due south across the said river, or at right angles to the *medium flum* thereof; or otherwise, as may be ascertained and fixed by our said Lords in the course of the process to follow hereon;" and that it should be found and declared that the defenders had no right of salmon-fishing in the river within these boundaries, or within such limits as might be fixed by the Court. There were also conclusions for interdict.

The pursuer stated that "for a number of years previous to the year 1874 the defenders Mr and Mrs Fleming and their fishing tenants had been in the practice of fishing for salmon *ex adverso* of the said Meadow Pows or Powlands of Inchyra," but that in that year Baroness Gray had raised the action which terminated in the judgment above quoted, by which the pursuer's rights to the fishings *ex adverso* of that piece of ground formerly called the Meadow Pows or Powlands of Inchyra, which lies to the westward of the stone indicated by the letter C on the plan, was established.

Mr and Mrs Fleming's answer to this was as follows—"Admitted that for a number of years previous to 1874 the defenders and their fishing tenants fished for salmon *ex adverso* of the said Meadow Pow. Explained that they did so as they believed they had the right thereto, and explained further that the said fishings *ex adverso* of the Meadow Pow are not of sufficient extent

to be profitably fished by themselves, while the defenders could do so, because they are proprietors of the 'Hen' fishing, which lies immediately contiguous above the said Meadow Pow."

The Meadow Pow or Powlands of Inchyra at one time formed part of the lands of Inchyra, but came by excambion to form part of the lands of Cairnie, the property of Sir James Richardson. The pursuer's fishing *ex adverso* of the Meadow Pows was called the "Meadow Pow," and the fishing immediately to the west was called the "Hen," and belonged, with one-half of the lands of Inchyra, to the defenders Mr and Mrs Fleming. The fishing immediately to the east of the "Meadow Pow" was called the "Dadhead," and belonged to the defender Sir James Richardson.

The pursuer averred that the eastern boundary of the "Meadow Pow" fishing was fixed by the former judgment to be the point C, and that the western boundary was the point P, being the march at high-water between the Meadow Pow and the other lands of Inchyra, and also between the parish of St Madoes on the east and Kinnoull on the west, and that the true boundaries riverward of the fishing were—On the west, a prolongation of the line O, Q, P, being the march between the parishes; and on the east, a prolongation of a line drawn through the points A, B, C, on the plan, or else parallel lines drawn from P and C across the river, either due south or at right angles to the *medium flum*.

Mr and Mrs Fleming denied that the western boundary of the Meadow Pow fishing started from P. They averred that it was a line drawn due south from the point Q to the *medium flum*, and that they had had exclusive possession from time immemorial of the "Hen" fishing up to that line. They further averred that the "effect of holding the true boundary between the 'Hen' fishing and the 'Meadow Pow' fishing to be a line drawn at right angles to the *medium flum* would be to give a different line as between these kvels and all the others, and to give the defenders less and the pursuer more than the just and equal half of the salmon-fishings of Inchyra; and further, . . . would render the 'Hen' fishing unworkable from its accustomed hailing places or to profit, while at the same time it would not make the 'Meadow Pow' fishing of sufficient size to be worked by itself." They also averred that Sir James Richardson and his predecessors had never enjoyed possession of any fishing to the west of a due south line drawn from the point C.

Sir James Richardson admitted that the eastern boundary riverward of the pursuer's fishings was a line drawn from C across the river at right angles to the *medium flum*. He averred that if the line A, B, C, or the twelve o'clock line, was adopted as the eastern boundary of the pursuer's fishings, the result would be to give the pursuer a considerable fishing *ex adverso* of the Meadow Pows. If the twelve o'clock line through P or Q was adopted as the western boundary of the pursuer's fishings, the result would be to give the defenders Mr and Mrs Fleming a considerable part of the fishing *ex adverso* of the Meadow Pows.

The Lord Ordinary (FRASER) on 12th June 1884 allowed a proof.

Sir James Richardson reclaimed, and the pursuer concurred with him in asking that a remit should be made in order that the boundaries might

be laid down as in the cases of *Laird v. Reid*, March 14, 1871, 9 Macph. 699, and *M'Taggart v. M'Douall*, March 6, 1867, 5 Macph. 534.

Mr and Mrs Fleming maintained that *ex adverso* was a flexible term which was capable of explanation by proof of possession.

The Court on 4th July 1884 recalled the Lord Ordinary's interlocutor, and made this remit:—"Before further answer, remit to Mr George Cunningham, C.E., to consider the statements of parties on record, with the plans produced, and decree-arbitral of 1795 [referred to in the previous case], and to inspect the fishings of 'Meadow Pow,' and adjoining fishings on each side thereof, and the position of the old march-stones on the banks of the river; and having met with and heard the parties or their agents, to lay down on the Ordnance Survey map a straight line representing the average direction of the middle line of the river, and to report—(1) Whether the eastern boundary of the 'Hen' fishing and the western boundary of the 'Meadow Pow' should be determined by a line through the point Q or through the point P, or through what other point on the land; (2) Whether the lines forming the boundaries of the 'Meadow Pow' fishing, through the points Q or P, or other point as aforesaid, on the west, and C on the east, should be drawn at right angles to the *medium flum*, or due south, according to the twelve o'clock line, or in what other manner, as shall seem to him best fitted to secure to each of the parties the fishings *ex adverso* of the lands of Inchyra, of Meadow Pow, and of Cairnie respectively; with liberty to any of the parties to request the reporter to lay down any other line or lines on any other principle tending to elucidate or illustrate the questions in dispute; and direct the reporter to accompany his plan with such explanations as he may think necessary or useful," &c.

Mr Cunningham reported as follows:—"I have now laid down on an Ordnance Survey map a straight line representing the average direction of the middle line of the river, so far as *ex adverso* of the lands of Meadow Pow, and which line I have marked with the letters M F. I beg to suggest that the eastern boundary of the Hen fishing and the western boundary of the Meadow Pow fishing should be a line passing through the points Q and P, and represented on the Ordnance map by the black dotted line indicating the division of the parishes of Kinnoull and St Madoes as far as the centre of the river, and which line is marked Q P N; and that the eastern boundary of the Meadow Pow fishing should be the line C D drawn from the point C at right angles to the line representing the *medium flum* of the river.

"It appears to be admitted, and the old march stones on the banks of the river above referred to, with the exception of the stone at Q, which has been displaced, and now lies in the ditch there, generally indicate, that the fishings of Inchyra, which belong in alternate lots to Mr Stuart Gray of Kinfauns and to Mr and Mrs Fleming of Inchyra, are fished by what is known as the twelve o'clock line—that is, a due south line. This arrangement may work very well where proprietors have alternate fishings, and where the river is running in an easterly direction, but it is evident that it can never be a rule of universal application, or one which could reasonably be enforced against an adjoining owner in the position of the

defender Sir J. T. Stewart Richardson; and therefore as regards the eastern boundary of the Meadow Pow fishings I have no hesitation in reporting in favour of the line above suggested.

"If the twelve o'clock line were adopted, and drawn from the point C, it would extend the fishings of Meadow Pow so as to be *ex adverso* of a considerable portion of land which, with the fishings, belong to Sir James Stewart Richardson.

"As regards the eastern boundary of the Hen fishing, and the western boundary of the Meadow Pow, if the twelve o'clock line were enforced, and drawn either from the point P or the point Q, and assuming the eastern boundary to be the line from the point C at right angles to the *medium flum* line, as I have suggested, the lands of Meadow Pow would practically be deprived of any fishing, a result which could not have been contemplated.

"Neither can I recommend as the western boundary of the Meadow Pow fishing, a line at right angles to the *medium flum* line, owing to the above-mentioned arrangement or practice between the two alternate owners of the Inchyra fishings, as I think, keeping that in view, it is more equitable to adopt the line I have suggested.

"If the pursuer and the defenders Mr and Mrs Fleming were to agree to adopt the right angle to the *medium flum* line as the division between all their fishings, it would at once remove all difficulty; and in that case the western boundary of the Meadow Pow fishing and the eastern boundary of the Hen fishing would be a line at right angles to the *medium flum*, drawn from the point Q."

Counsel were heard on Mr Cunningham's report, when it was argued for Mr and Mrs Fleming—That the western boundary of the Meadow Pow suggested by the reporter could not be taken, because it was against the terms of the decree-arbitral of 1795 (for which *vide* the previous case); that the decree-arbitral was a contract by which it was agreed that the land kavel should be massed and divided into two lots, and also that the water boundaries of the fishings should be fixed. The western boundaries of the Meadow Pow fishing, as fixed by the decree-arbitral and possessed ever since, was a due south line drawn from Q. Moreover, that both they and the pursuer were proprietors of kavel, and that by the rule of the kavel the fishing boundary was a due south line.

Argued for the pursuer—He was entitled to have either due south lines on both sides or lines at right angles to the *medium flum*, but the lines ought to be parallel on both sides. The decree-arbitral fixed the boundaries by points, leaving the direction of the line to be afterwards determined. The question being as to the meaning of a former judgment, it was to a certain extent matter for regulation by the Court. The pursuer had no objection to the boundaries suggested by the reporter.

At advising—

LORD PRESIDENT—In disposing of this case it is necessary to have special regard to the proceedings in the previous action which was raised by Lady Gray, the predecessor in title of the present pursuer, against Mr and Mrs Fleming, as proprietors of Inchyra, and against Sir John Richardson, the father of the other defender. The object of that action was to declare that

the salmon-fishings of Meadow Pow belonged in property to Lady Gray, and that claim was resisted by both sets of defenders upon various grounds. But among other defences maintained by the Flemings, there was an allegation of possession of the Meadow Pow fishing as part and parcel of the Hen fishing belonging to them for a period of upwards of forty years, and a plea was founded upon that of a prescriptive title in the defenders, the Flemings, to oust the pretensions of Lady Gray. Now, the result of that action is embodied in the interlocutor of the Court of 11th January 1876, in which the Court find and declare that the pursuer, that is, Lady Gray, has the sole and "exclusive right of salmon-fishing in the river Tay *ex adverso* of that piece of ground formerly called the Meadow Pow or Powlands of Inchyra, which lies to the westward of the stone indicated by the letter C on the plan, No. 79 of process, and find that neither of the defenders have any right of salmon-fishing *ex adverso* of the said piece of ground; interdict, prohibit, and discharge the defenders, or either of them from fishing in the river Tay *ex adverso* of the said piece of ground, and decern." Now, although Mr and Mrs Fleming were unsuccessful in their plea of prescriptive possession in that case, they undoubtedly succeeded in showing that for a very considerable period short of forty years they had been in possession of this Meadow Pow fishing, or in other words, that in fishing their immediately adjoining Hen fishing to the west, they had embraced the fishing of the Meadow Pow, and used the two together. The present action is brought for the purpose of carrying into practical effect the declarator of property which Lady Gray obtained in the previous action, and that is to be done by fixing the boundaries seaward of the Meadow Pow fishing. The land boundaries of Meadow Pow from which the lines that are to constitute the boundaries of the salmon-fishing must be drawn are quite well fixed. There was some dispute as to whether the one line that is to constitute the western boundary should stop at the letter Q or the letter P on the plan. But that is a very small matter, and I take it that the letter Q is to be taken as the proper point of starting. Then the lines are to be drawn from Q upon the one side, and from C upon the other, which fix the land boundaries of Meadow Pow. The land of Meadow Pow belongs to Sir James Richardson, and the pursuer has no claim to that at all; it is only to the salmon-fishing; and the sole question now before us is how these lines are to be drawn. Now, keeping in mind that the right which has been declared to belong to Lady Gray and the pursuers is a right of salmon-fishing *ex adverso* of the lands of Meadow Pow, I should be disposed to say that unless there are peculiar circumstances to alter the ordinary rule, the boundaries of the salmon-fishings *ex adverso* of land upon a river are to be fixed with reference to the *medium flum* of the river by dropping perpendiculars at right angles to the *medium flum* from the land boundaries. That is the ordinary rule fixed, I think, with reference to various rights, with reference to rights of foreshore, and very recently with reference to salmon-fishing. [*Keith v. Smyth, supra*, p. 50.] But there are peculiarities undoubtedly in the pre-

sent case arising from the peculiar history of the lands and salmon-fishings of Inchyra, and these no doubt require consideration. But in the first place, we must endeavour to settle the question, I think, with Sir James Richardson, because whatever may be the peculiarities involved in questions between the pursuer and the Flemings as possessors of the kvels of Inchyra, or that which comes in place of the kvels of Inchyra, Sir James Richardson has nothing whatever to do with that. He has nothing to do with the estate of Inchyra at all, except that he happens to have acquired recently the land called Meadow Pow, which was the eastmost kavel of Inchyra originally. Now, is there any reason why the line which is to be drawn from the letter C, the land boundary between Meadow Pow and Sir James Richardson's other estate of Cairnie, should not, in a question with him, be drawn at right angles to the *medium flum* of the river. I confess I have never been able to hear any intelligible reason why Sir James Richardson's contention on this point should not be sustained. He is not encumbered or embarrassed by any of those historical difficulties which we have encountered in the previous case with regard to the lands of Inchyra, and therefore I think without doubt we must, in a question with him, fix the line as it is proposed to be done by the reporter.

Then the question comes to be, what is to be the other boundary? The contention of the Flemings is, that in all the fishings of Inchyra the rule has been not to fish the water *ex adverso* of each kavel, or each portion of the land of Inchyra, but to fish it within limits which are ascertained by drawing lines from the land boundary of the different kvels due south, and if that rule were applied to the present question in order to settle the western boundary of the Meadow Pow fishing, we see what the result would be. It would be that the Meadow Pow fishing would have no existence at all. Having once settled that as regards Sir James Richardson, the line must be a line at right angles to the *medium flum* from the letter C, it is quite plain looking at the plan before us, that to draw the eastern boundary at right angles to the *medium flum* from the letter C, and to draw the western boundary due south from either the letter Q or the letter P, would be to cut off Meadow Pow altogether from any salmon fishing whatever. Now, it is quite plain that that would be entirely inconsistent with the judgment pronounced in the former case, because it would be to find in practical effect that that which is declared by the former judgment to be the exclusive property of the pursuer has no existence in *rerum natura*. How does the plea, that there is no such thing as the salmon-fishing of Meadow Pow, stand in the mouth of the Flemings? Why, they themselves proved most elaborately in the previous action that they had had the prescriptive use and enjoyment of the Meadow Pow fishing, and although they did not succeed in making out use for forty years, they did succeed in making out use for a very considerable period of that, which, according to their present contention, has no existence in fact. And again, looking to the record in the present case, it is quite impossible to accept such a plea on the part of the defenders the Flemings. In the second article

of the condescence for Mr Gray we have this statement,—“For a number of years previous to the year 1874 the defenders Mr and Mrs Fleming and their fishing tenants had been in the practice of fishing for salmon *ex adverso* of the said Meadow Pows or Powlands of Inchyra, but on 17th February of that year the now deceased Margaret Baroness Gray, of Gray and Kinfauns, the pursuer's immediate predecessor in said estates, in order to establish her right to the fishing *ex adverso* of the said lands, raised in the Court of Session an action of declarator and interdict” &c. Now, what is the answer that the Flemings make to that?—“Admitted that for a number of years previous to 1874 the defenders and the fishing tenants fished for salmon *ex adverso* of the said Meadow Pow. Explained that they did so as they believed they had the right thereto; and explained further that the said fishings *ex adverso* of the Meadow Pow are not of sufficient extent to be profitably fished by themselves, while the defenders could do so, because they are proprietors of the ‘Hen’ fishing, which lies immediately contiguous above the said Meadow Pow.” Now, that is totally inconsistent with what is their practical contention now, that this Meadow Pow fishing really has no existence at all. It might be contended, no doubt, and was contended in argument, that the Meadow Pow fishing which they occupied and possessed for so long a number of years short of the years of prescription was not *ex adverso* of the Powlands in the ordinary sense of that term, but that they really fished to the eastward of a line drawn from Q directly south. Now, that is entirely inconsistent with the perfectly well-established rights of Sir James Richardson, because if they had done that they would have been fishing *not ex adverso* of Powlands, but *ex adverso* of Cairnie, which is the property of Sir James Richardson, and it is clear that, as regards all the water properly *ex adverso* of Cairnie, that has always been in the possession of the Richardsons. So that really what the Flemings are committed to here is this, that they have been themselves fishing the salmon fishings of Meadow Pow *ex adverso* of the lands of Meadow Pow in the proper sense of that term, and yet they say that the water which is *ex adverso* of Meadow Pow in the proper sense of the term is truly part of the Hen fishing, which is an entire inconsistency. I am therefore very clearly of opinion with the reporter that it is impossible to sustain what is called the due south line in fixing the boundary between the Hen fishing and the Meadow Pow fishing, and that the line of boundary there must correspond generally with the line of boundary on the east side of the Meadow Pow fishing. I do not say that it necessarily follows in adjusting the rights of parties that those two lines should be absolute parallels, the one with the other, and indeed the reporter does not make them so. Strictly speaking, perhaps, Mr Gray might have been entitled to contend that the one line being fixed as a line from C at right angles to the *medium flum*, he should have another line from Q to the *medium flum*, but he is satisfied with the line fixed by the reporter, which slightly diverges from that, and diverges from it slightly to his own disadvantage, and therefore in these circumstances I think we may safely adopt the lines which have been fixed by the reporter.

**LORD MURE**—I am of the same opinion. I agree with your Lordship that we must look at what is the line that Sir James Richardson is to have fixed as the boundary between the fishings and the water on the east of these fishings, and that, I apprehend, must be taken as the C D line which is fixed according to the ordinary *medium filum* rule as between proprietors upon a river. Now, that being the line fixed for Sir James Richardson, the question for consideration is whether Mrs Fleming is entitled to have a line drawn in the way that was maintained for her, viz., a line from Q to T, as parallel with the line from A to K. Now, the great objection as it appears to me when one looks at that line is, that it excludes Mr Gray of Kinfauns *in toto* from that part of the river which was given to him by the judgment pronounced in the former action. By that judgment it was held that the Meadow Pow fishings belonged to Lady Gray, and that after a lengthened proof relative to the possession said to have been had of those fishings by Mrs Fleming for a very considerable period of time before that decision was pronounced. The Court was unanimously of opinion that Mrs Fleming had failed to prove any exclusive possession of that water opposite the Meadow Pow such as would enable her to maintain a prescriptive right to that fishing as in a question with Lady Gray, and in the passage which your Lordship has read from the judgment of this Court it was found and declared that the pursuer "has the sole and exclusive right of salmon fishing in the river Tay *ex adverso* of that piece of ground formerly called the Meadow Pow or Powlands of Inchyra which lies to the westward of the stone indicated by the letter C on the plan No. 79 of process." Therefore the Court find that the fishing in the water opposite the Meadow Pow to the west of C belonged exclusively to Lady Gray. Now, I find on looking into the opinions that we all dealt deliberately with that question of possession, and gave our reasons why we thought Mrs Fleming failed to instruct any right adverse to Lady Gray on that point. I observe that I made the remark that I concurred with the Lord Ordinary "that there is no such evidence of exclusive possession by Mrs Fleming of the portion of the water to the east of the march boundary fixed in 1795 as can enable her to maintain that she had acquired by prescription a right to go beyond that line. If that be so, then Lady Gray's title, as explained by what has followed upon it, gives her an express grant of the salmon fishings of the portion of the river Tay opposite the Meadow Pows, and that being so, I think the Lord Ordinary's interlocutor ought to be recalled as regards the question between Lady Gray and Mrs Fleming, and that Lady Gray is entitled to prevail on that part of the case, not to the full extent that she claims in the first conclusion of her summons, but to the extent which the Lord Ordinary points at in his interlocutor under the alternative conclusion. The summons concludes for 120 yards, but there is some evidence to the effect that in the old action the question in dispute was 86 yards." That was the length of the river that was in dispute. Now, on looking at Mr Cunningham's plan I find that the amount of water that Mr Gray would get by the line fixed by him comes at the land boundary to be some-

where between 90 and 100 yards, and at the *medium filum* of the river what he gets is between 70 and 80 yards. That is what Mr Cunningham fixed in his report, almost precisely the number of yards of water that was in question under the former action, and I think it is quite plain that what Mr Cunningham reports must be adopted as correct, because if we were to take the view contended for by Mr and Mrs Fleming now, it would absolutely stultify the decision of the Court in the former action, and give her what we expressly decided belonged to Mr Gray.

**LORD SHAND**—Looking to the nature of the questions which have been raised in this action, I think it is a very great advantage that the decision of them has fallen very much upon your Lordships, who are so familiar with the former litigation between the parties, having taken part in the judgment in that case, and I have only to say that I entirely concur in the views which your Lordships have stated and in the result at which you have arrived.

**LORD DEAS** was absent.

The Court pronounced this interlocutor:—

"Find that the eastern boundary of the Meadow Pow salmon-fishing belonging to the pursuer, and lying *ex adverso* of the lands of Meadow Pow belonging to the defender Sir James Richardson, is a line drawn from the point marked C on the plan, No. 20, at right angles to the *medium filum* of the river Tay, as laid down on the said plan, being the line C D, and that the western boundary of the said salmon-fishing is a line drawn from the point Q on the said plan and forming the line Q P N on said plan; to this effect decern and declare, and interdict, prohibit, and discharge the defenders from fishing within the boundaries above specified, in terms of the conclusions of the libel: *Quoad ultra* dismiss the action and decern."

Counsel for Stuart Gray (Pursuer)—R. Johnstone—Pearson. Agents—Hope, Mann, & Kirk, W.S.

Counsel for Sir James Richardson—Low—Dickson. Agents—J. & F. Anderson, W.S.

Counsel for Mr and Mrs Fleming—Mackintosh—Graham Murray. Agents—Hamilton, Kinnear, & Beatson, W.S.