

1819.

ALEXANDER v. MARK, &C.	POOR JOHN ALEXANDER,	<i>Appellant</i> ;
	WILLIAM MARK of Markston, and JOHN MACKIE,	<i>Respondents.</i>

House of Lords, 7th April 1819.

SERVICE—PROPINQUITY.—Circumstances in which the appellant failed to establish his preferable right to succeed and be served heir to the deceased Quinten Alexander.

The respondents having been served as nearest and lawful heirs to Quinten Alexander by a general service obtained before the Magistrates of Canongate, the appellant brought a reduction of that service, stating his propinquity to the said Quinten Alexander, and alleging that he was a nearer heir than the respondents.

After a long proof was led, the Court sustained the defences stated for the respondents, and dismissed the appellant's action.

Mar. 11, 1809.
Feb. 10, 1810. Against these interlocutors the present appeal was brought, stating chiefly the facts and circumstances disclosed in proof on both sides; and commenting upon some written documents adduced for the appellant, which bore intrinsic evidence of forgery. The House of Lords affirmed the judgment of the Court of Session.

For the Appellant, *Sir Saml. Romilly, Fra. Horner, John Cuninghame.*

For the Respondents, *John Leach, Geo. Cranstoun, Adam Duff.*

[Fac. Coll. Vol. xvii., p. 384.]

1819. <hr/> THE EARL OF ABOYNE. v. INNES.	The EARL OF ABOYNE,	<i>Appellant</i> ;
	LEWIS INNES, Esq.,	<i>Respondent.</i>

House of Lords, 10th July 1819.

RIGHT OF FOWLING—IMMEMORIAL POSSESSION—SERVITUDE.—

The respondent claimed a right of fowling in the forest of Birse, belonging to the appellant, and which was conveyed to him along with his lands as a privilege thereto belonging. He had also immemorially possessed and exercised this right, and had given permission to friends to fowl. The appellant had the whole property of the forest vested in him, besides the office of forester, and attempted to reduce the respondent's right. Held