

SALMON FISHING.

SECT. I.

Right of Salmon Fishing by what form of words established.

1593. June 29. LESLIE against AYTON.

SALMON FISHINGS were found to be *inter regalia* within sea-mark, or where the sea ebbs and flows, or where salt water comes, or where the fishing is with a coble or trail net; in all which cases it was found to require express disposition, otherwise, that it passes under the clause *cum piscationibus*.

*Fol. Dic. v. 2. p. 359. Erskine MS.**

No. 1.

1605. July 30. GAIRLIES against TORHOUSE.

THE Laird of Gairlies being infeft in certain Friar-lands, with the salmon fishing in the water of ———, pursued the Laird of Torhouse to remove therefrom. It was excepted by the defender that he was infeft in his lands of ——— *cum piscatione in verbis dispositivis*; and, by virtue thereof, in possession of salmon fishing in said water, forment the hail bounds of the water forment his own land, past memory of man. It was replied, that salmon fishing was *regale*, and could not be disposed but *expresse & nominatim*. It was duplied, that salmon fishing was *regale* within the sea-mark, or so far as the sea ebbed or flowed, and in that case required to be *expresse dispositum*; but in any part of water where the sea filled not, it was not *regale*. The Lords found that salmon fishing was *regale* where the sea filled, or salt-water came, or where the fishing was with a coble and a trail net. But where the sea came not, or the fishing was not with a coble, they found, that the clause *cum piscatione in verbis dispositivis* might comprehend it.

Fol. Dic. p. 360. Haddington MS. No. 957.

No. 2.

Found in conformity with the above.

* This MS. is not in the Advocate's Library. See APPENDIX.