

W R E C K

1622. December 12. HAMILTON *against* COCHRAN.

One Hamilton having obtained from the Admiral the gift of certain wrecked goods, and thereupon obtained sentence before the Admiral for the same against James Cochran of Babachlaw, as being holden as confessed upon his intromission therewith; this sentence was desired to be suspended upon this reason, because the decret amongst the rest of the particulars of the wrecked goods, decerns him to make payment of the price of an ox which escaped, and was intromitted with by him, and so there being one living beast escaping out of the ship which was broke, and whereof the wreck was craved, and so confessed by the sentence itself, the goods of the ship could not be esteemed wreck, there being one creature alive, which escaped safe, as said is; which reason the Lords found relevant, and proved by the sentence produced, and therefore annulled that decret *hoc eodem ordine*, and suspended the letters *simpliciter*.

Act. Stuart.

Alt. M'Gill.

Clerk, Scot.

Durie, p. 39.

No. 1.
The cases
relative to
wreck are
abridged in
the Synopsi

* * Haddington reports this case :

Mr. John M'Gill, as assignee to William Hamilton in the Canongate, as having gift of the Admiral of all the wreck goods of vessels perished upon the coast of Arran, pursued the Laird of Babachlaw for many goods which were wrecked and intromitted with by him, and having referred the summons to his oath of verity, obtained him holden as confessed, and thereupon obtained decret, and raised charges. Babachlaw suspended, *1st*, Because no public citation was used by the Admiral upon forty days warning, to all parties having interest to see these goods found to be wreck; next, because no goods could be wreck, if any living creature being in the vessel came safe to land, and in the pursuer's decret Babachlaw was condemned for intromitting with an ox, price thereof forty shillings. In respect whereof the letters were suspended *simpliciter*.

Haddington MS. No. 2696.