

and preserving them, and if not sought after in that time to belong to the fish, as being unrescued & relinquished by the proprietors. The same now obtains in Gallia Vinus. Comm. ad Gult Just. de her. Div. p. 11. Comm. ad 548 Inst. Eod. To. Voct. Comm. ad Pitt. De Incend. R. in d. n. 3. If not in England, France, Italy and Spain, the fish made no doubt to add affliction to the afflicted, by losing goods saved after shipwreck. Vacantia P. Voct. Ibid. S. Van. Leuven. Cons. Exor. lib. 2 c. 3 n. 18 Argem. ad Consuet. Britann. art. 56 Glos. 1 n. 45 Rodin. de Repub. lib. 1 cap. 6. Circ. fine. Rebuff. ad Constil. Reg. Proem. Glos. 6 n. 74 Covarrus. de Reccatione de Reg. Tur. in 6 81 n. 5. Brunoman ad l. 1 c. de Naufragio. de mari Clau. l. 1 c. 24 Mornac. in l. 2 infir. D. ad L. R. de. c. 1. de Naufragio. Misericordia violentia principis. Polibab. quam prout. R. Robert. Girouens. Archiep. Epist. 32 865. But Mr Justice Prynne of Sea Laws pag. 154 says that this barbarity is abolished in Spain; the the Spaniards observe it beyond the Line against all that are not Natives of Spain.

In France Droit de Bris des le Naufrage, is taken away by ordinance of Lewis 14 given at Fontainbleau in August 1681 de art. 24 & 26. Where goods & Effects proceeding of shipwreck saved at sea or on the shore, may be retained within a year and a day after the Publication, and shall be restored to the owners or proprietors, they paying charges & Costs in saving them. And if not Effects be not reclaimed within year and day, they are to be Equally divided betwixt the King or persons to whom he shall assign that right, and the admiral, all charges being first deducted.

By the law of England, goods that were in a ship that time suffered shipwreck being brought to land by the waves, did not belong to the King by his prerogative, or such other person whom the King had granted wreck, 17 Edw. 2 cap. 11. But where a man or dog or other thing escaped alive out of the ship, whereby the owners of the goods might be known, neither the vessel nor any thing therein was adjudged wreck, but to be restored to the owner if he claimed within a year and a day after the seizure; and if not to remain with the King or the person deriving right from his Majesty. 17 Edw. 1 cap. 4. The like Law was made in Scotland before by Alexander 2 (Stat. Alex. 2 cap. 25) who died a matter of 26 years before it obtained in England. Upon the foot where of it was found that neither a ship broken nor the goods therein were to be deemed wreck, where a living ox escaped 12 Decemb. 1622. R. contra Cobran. But yet the Admiral of Scotland (who has right of wreck by his gift from the King) used to seize only wreck goods, the true owner claimed them and proved his property with

year and day, upon payment of his Salvages, which is a fifth part whether any living Creature escaped or not. And Sir George Mackenzie C. of session art. 124 Par. 9 J. 1 is of opinion, that ^{after} lapsing of the year the owner proving his right might have recovered the goods if it were his own fact and case. 2. of the King had no more right for seizing or wreck goods, than he hath to confiscate those that are saved by violence; being in both Cases the proprietor stands with his goods safe against ^{his} will. 3. of even the threatening goods were allowed to lighten a vessel under form of ballast, not as if any design in the proprietor to quit them. 4. Ingle de her. Div. Tur. seems to be thought to have such a thought as to goods saved from any storm; since there is a sort of Consent in the one Case, and no thing in the other. 5. of the King's power to seize goods to furnish a castle or man house, or for any other use, shall be denied. 6. of the King's power to seize goods, which are not his own, but which are the property of another, shall be denied. 7. of the King's power to seize goods against the owners & venditors, shall be denied. 8. of the King's power to seize goods, which are not his own, but which are the property of another, shall be denied. 9. of the King's power to seize goods, which are not his own, but which are the property of another, shall be denied. 10. of the King's power to seize goods, which are not his own, but which are the property of another, shall be denied. 11. of the King's power to seize goods, which are not his own, but which are the property of another, shall be denied. 12. of the King's power to seize goods, which are 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Thereafter in the year 1429 our law provided concerning wreck, that ships broken in Solway should be confiscated, if they belonged to a Country that used such bare Land to it; it being respect, any such ships in other places should meet with the same favour here as they were to owners with them, art. 124 Par. 9 J. 1. Without noticing the Condition aforesaid concerning the Escape of any living Creature from the Danger of the sea. Thus it was found, that a foreign ship cast away upon our Coast ought to be confiscated, albeit the Crew were saved alive; if Confiscation in the like case were proved to be the Law & Custom of the Nation to which the ship belonged 20 January 1674 Jacob. Lon contra E. Crawford. When our own ships suffered shipwreck in Scotland, the Representatives of the owners were always to be heard to claim the goods, and not the King or any Infeft cum Wreck in consequence of such a Law; being ships belonging to a Nation that hath not power to confiscate broken ships in another Case, than ships belonging to a Nation.