

R E G A L I A:

1610. *January 10.* LORD OF GADGIRTH *against* HUNTER.

WOODS were found not to be *inter regalia*, but only forest; and therefore the common clause *cum sylvis nemoribus*, &c. was found to give sufficient right to such woods, and that they required no special sasine.

Fol. Dic. v. 2. p. 328. Haddington, MS.

No 1.

1696. *December 29.*

CLEGHORN and BRYCE his Spouse *against* Sir JAMES BAIRD, younger of Saughtonhall.

WHITEHILL reported Cleghorn and Bryce his spouse *against* Sir James Baird, younger of Saughtonhall, about the property of L. 50 Scots, found in the house of Helen Bryce, sister to the pursuer, and to whom she is confirmed executor. Saughtonhall *alleged*, That after the death of the said Helen, (who dwelt in one of his cot-houses), he had occasion to repair the said house, and found this money lying therein; and contended by the civil law it divided equally, the one half to the master of the ground, and the other half to the finder. But with us, treasure and all such things which are nullius, non cedent occupanti, but are the King's, and belong to the Fisk. THE LORDS considered, that it could not be reputed a treasure, which is defined by lawyers *vetus pecuniæ depositio cujus non extat memoria*; but here the species of the coin and money were recent, and has been the poor woman's pose, who died last there, and therefore they preferred her executors. But if it had consisted of ancient coin, it might have founded a presumption in the contrary.

Fol. Dic. v. 2. p. 328. Fountainhall, v. 1. p. 748.

No 2.

Hidden Treasure.