

This memorial, together with a reclaiming petition for Mr Drummond's representatives, reclaiming against the interlocutor above recited, and answers for Lord Napier's trustees, having been advised; "the Lords, 7th February 1777, adhered to their former interlocutor, so far as it found the representatives liable to Lord Napier's trustees in payment of the value of the estate of Edinbelly evicted from Lord Napier as it stood at the time of eviction; and this, notwithstanding of Lord Napier's having ceded possession thereof to Mr Livingston, a measure in which it appeared that Mr Drummond's heirs did judicially acquiesce." In this they were unanimous.

They further found Mr Livingston a party in the process sufficiently to end all the present questions agitated between the parties. But, before further procedure, and before answer, they granted to them all a full proof of the state, condition, rental, and value of the estate of Edinbelly, as it stood at the period following, *viz.* as it stood at the period of Mr Drummond's purchase, *anno* 1728; of the eviction from Lord Napier, *anno* 1762; and of Lord Napier's ceding the possession to Mr Livingston, *anno* 1773; and of all meliorations and improvements made on said estate, either by Mr Drummond or Lord Napier, betwixt the first and last of these periods: and granted commission and diligence.

By this interlocutor, therefore, only two points were determined, as to the effect of the warrantice, and that of Lord Napier's ceding the possession to Livingston *quoad* the warrantice. But, as to the claim for meliorations, and how far Lord Napier's ceding the possession affected that, every thing was kept open and entire.

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## WRECK.

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1762.            The MAGISTRATES of ABERDEEN *against* DUNNET.

IN all cases of wreck, or where a ship is stranded, or deserted by the crew, the Admiral and his deputes have the sole right of keeping and intromitting therewith, *Falc.*, 2, No. 200. *Arg.*:—The quantum of salvage was, in two cases, *anno* 1749, struck by the Admiral at one-fifth part, 22d September 1749, *Brandt and Factor against Earl of Findlater*; 19th December 1749, *Brandt and Factor against Magistrates of Aberdeen*. But, in a case decided *anno* 1762, *Magistrates of Aberdeen against Dunnet*, the Lords restricted it to his expense, and what was a reasonable gratification for his trouble.

In the famous case of the Dutch East India ship, wrecked on the coast of Barra, *anno* 1728, it was not disputed by the Dutch proprietors that salvage was due; and accordingly, in that case, the Admiral decerned for £3000 in name of salvage, and for £8000 of expenses.