

## P R I Z E.

1558. July 6. A DUTCHMAN against LINDSAY.

**A**NENT the action pursued by a Dutchman against Lindsay, dwelling in Leith, for restoring of a ship to the said Dutchman, alleged to be spuizied from him by certain pirates on the sea, and found and apprehended in the possession of the said Lindsay, in the haven of Leith, and desired by the said Dutchman to be restored to him again, it was *alleged* by the said Lindsay, that he ought not to restore the said ship to the said Dutchman, because he *bona fide* coft the said ship from a French man of war, who took the said ship from an Hollander, who was bringing victuals to the town of Berwick, in time of war, to furnish our old enemies of England, and also *prehabatur inter reges Gallorum*, and the Hollanders; and Flemings, and English, and so was just prize to the said Frenchman that sold her to the said Lindsay, which allegeance was admitted to the said Lindsay's probation.

*Fol. Dic. v. 2. p. 177. Maitland, MS. p. 127.*

1566. May 14. A FRENCHMAN against SCOTSMEN.

**A**NENT the action pursued by a Frenchman against certain Scotsmen, who had a ship in the haven of Leith, which ship the Frenchman, being in the said haven, *alleged* to pertain to him, and spuizied from him by certain pirates, desired the Scotsmen, defenders, to render to him the said ship. It was *alleged* by the defenders, that the pirates who took the said ship from the pursuer, came in the same ship upon the defenders, being in another ship of a Scots merchant, and spuizied them of all their goods, and took them prisoners, and put them in the said pirates ship, now claimed by the said pursuer; and they remained till it happened that the most part of the said pirates went upon land, and left a small number to keep the said ship, and the said prisoners the de-

## No 1.

A ship bought from the captor, and brought into a harbour, found lawful prize, and the buyers not bound to restore her.

## No 2.

A ship was captured by pirates, who were afterwards overcome by their prisoners. The ship found still to belong to the original owners.