

O A T H.

D I V I S I O N I.

Oath *in litem*.

S E C T. I.

In what cases admitted.

1662. July 3. LORD COWPER *against* LORD PITSLIGO.

ONE being pursued to restore a watch, or the *pretium affectionis*, the defence was, that *sine dolo desit possidere* having in the pursuer's presence given away the watch, the pursuer making no opposition. THE LORDS would not suffer the price of the watch to be proved by the pursuer's oath, but *prout de jure*. No I.

Fol. Dic. v. 2. p. 8. Stair.

*** This case is No II. p. 5626. *voce* HOMOLOGATION.

1672. December 11. CARNEGIE *against* NAPIER.

THOMAS CARNEGIE having put a pack of lint in a ship at Leith, to be carried to Montrose, the skipper put the pack in the bottom of the ship, under a loading of coals, and there having a leak fallen in the ship, by his taking of ground after she came to her port, the salt water coming in, mixed with the coal-coomb, spoiled the lint; whereupon he pursues the skipper and owners for the damage sustained in the lint, and insists against all the owners *in solidum*; and No 2.
Some goods in a ship being damaged by the skipper's neglect, the pursuer's oath *in litem*