

S E C T. VIII.

Goods peculiar or Personal to the Wife.

1582. June. The MISTRESS of GRAY *against* The MASTER.

No 41.
The wife's
paraphernalia
fall not *sub*
communione.

THE MISTRESS of Gray pursued the Master thereof for the detaining frae her certain chains, rings of gold, and certain other things, whilk appertained to the ornament of her body *et quæ fuerunt de mundo muliebri*. It was *alleged* by the Master, That he had sold and annalized the same *quia fuit dominus omnium bonorum stante matrimonio*, and chains and rings could not be holden *de mundo muliebri*. To this was *answered*, That they were proper to be called paraphernalia *quæ dotis causa vel una cum dote dantur uxoribus ut in L. 9. Sec. 2. D. De jure dotium*; and so they might no more be taken away from her than her conjunct fee or terce without her own consent, *et quæ fuerunt de mundo muliebri, vide D. De auro et argento l. 3. 13. & 17.* THE LORDS found by interlocutor, that the Master ought to restore again to his wife the gear libelled, and might not dispoñe upon the same, because they appertained to the ornaments of her body.

Fol. Dic. v. 1. p. 388. Colvil, MS. p. 333.

1610. June 23. DAVIDSON *against* MACCUBIN.

No 42.
The wife's
paraphernalia
cannot be at-
tached by the
husband's
creditors.

THE husband being addebted in sums of money, and the creditors, for payment thereof, arrested his wife's jewels, the LORDS inclined to sustain the arrestment, albeit the wife *alleged* that they were her own proper ornaments, and pertained not to her husband, nor would come under his testament; because the LORDS thought her clothes were proper to herself, but that she could not have superfluous jewels, and her husband's creditors want their just debt. Thereafter, upon the 27th June, the most part of the LORDS found, that the wife's jewels and ornaments could not be arrested nor poynded for her husband's debt, but were properly her own, and pertained no way to the husband. The clerk of register *alleged* the Chapter of the Majesty to this purpose, and a practick of ——— Boyds, and another of one Dempster. Jungland, Fostersalt, and many others, were of the like opinion; albeit some of the best maintained the contrary *frustra*.

Fol. Dic. v. 1. p. 388. Haddington, MS. No 1915.