

arguing another cause, 23d January 1777, *Lachlan Duff* against *Countess of Caithness*.

---

PATERSON *against* TAYLOR.

A WIFE, in consequence of a *prepositura*, may commission; but resting owing cannot be proved by her oath. So Lord Coalston reasoned in the question, *James Paterson, staymaker*, against *William Taylor*. The question was, concerning the price of some pairs of stays commissioned by Mrs Taylor.

---

1777. August . MARGARET GRAY *against* ELIZABETH HASTIE.

THE case of a wife keeping a tavern, or carrying on any separate branch of business, with her husband's approbation, even suppose he has no connexion with it, is no exception from the general rule that a wife clothed with a husband cannot grant any binding personal obligation. The deeds of the wife in that situation are binding upon the husband, and not upon herself. See Dict. *voce Husband and Wife*; and so Lord Monboddo found in a cause, *Gray against Hastie*, 16th June 1777. To which the Lords adhered, August 1777.

---

1772. ROBERTSON *against* WATSON.

IN a case observed 111, *New (Faculty) Coll.*, No. 67, the Lords found, that an adjudication of a wife's lands, proceeding on her personal obligation, contained in an heritable bond, granted over said lands, by her and her husband, is null, so far as it adjudges the lands.

They found the same, Winter Session 1772, Robertson against Watson. The Lord Monboddo, Ordinary, had (26th June 1772,) found, "That an heritable bond, granted by a wife *stante matrimonio* with consent of her husband, can be made effectual against her lands by adjudication, if the money is not paid." But the Lords altered, and found, that, as the adjudication was sought to be led on the personal obligation of the wife, no decree could be pronounced.

---

1777. June 25. EUPHAM LINDSAY, Petitioner.

IN a process of multiplepointing, *Lord Kinnaird* against *Gardens*, &c. Lord Covington, in discussing the merits of a particular interest, found that it gave no title to draw any part of the fund; "In respect that the bond, which is the ground of it, being granted by James Robertson and Magdalen Garden,