

duced a party to trust him, and referred it to the Reporter to examine the circumstances, and modify as he saw cause. By Moses's judicial law, such a man was bound *stupratam aut dotare aut nubere*.

No 7.

Fol. Dic. v. 2. p. 341. Fountainhall, v. 1. p. 728.

1743. June 17. & 1744, January 20. STEDMAN against STEDMAN.

No 8.

STEDMAN, a shopkeeper, having obtained a divorce against his wife for adultery, brought an action before the Court of Session against the adulterer for damages. *Alleged*, That the action was not competent, unless a criminal prosecution had been first brought before the Court of Justiciary. *Answered*, That where a man is hurt in his property, he may bring a civil action for the damages, without intending a criminal prosecution for punishment of the offender, as for example, in the case of fire-raising. THE LORDS sustained the action as competent; found the defender liable in the expenses of the process of divorce, and of an appeal to the House of Lords, and of the present process; and appointed the pursuer to specify what damage he had sustained through the loss consequent to his business, and how he could liquidate the same.

Fol. Dic. v. 4. p. 221. Kilkerran. C. Home.

* * * This case is No 72. p. 7337, *voce* JURISDICTION.

1748. December 14. ELISABETH LINNING against ALEXANDER HAMILTON.

No 9.

ELISABETH LINNING, daughter of the deceased Mr Thomas Linning, minister at Walston, brought an action of declarator of marriage before the Commissaries of Edinburgh, against Alexander Hamilton, younger of Gilkerscleugh; and as she did not pretend to have any proof of her libel by writ or witnesses, she referred the verity thereof to the defender's oath, which is in the following words; Depones, " That, after the pursuer's mother's death, who was the deponent's aunt, the pursuer was invited by the deponent's father to come and live in family with him; That she accordingly came to his family about the end of October 1744, where she continued until about the beginning of December 1746; That while she thus staid in the family, the deponent had frequent toyings with her, kissing and clapping her, and frequently told her that he loved her; That in December 1745, the deponent went one night into the pursuer's bed-room, and slipt into the bed with her, at which she seemed to be pretty much surprised, and offended; but the deponent told her that he would do her no harm; but she having ordered him to go out of the room, he, after some little stay, went out; That next morning he observing her a little pen-

Reparation awarded to a young woman against the man who had corrupted her.