No. 23. 1744, June 26. EARL of WIGTON *against* COUNTESS DOWAGER of WIGTON.

WE found by a great majority that a disposition by Earl of Wigton to his Lady in 1741 of what cash she should have in her custody at his death, and of the bed and table-linen and sewings, tea-plate, and dressing-plate, was not revoked by a general trust-disposition in 1742, naming his trustees executors, and conveying to them all gold and silver coined and uncoined, goods and gear, that he should have at his death, with directions to sell the whole except the household furniture, which was appointed to remain in the house: Therefore we affirmed the Commissaries' interlocutor, ordering these to be given up to the Lady on caution. But we thought that did not extend to bonds or obligations granted the Lady for money by third parties during the marriage, and we gave no opinion on the allegeance that these obligations arose from money given in presents to the Lady with the husband's knowledge at entering vassals and granting leases, because we had no evidence of the fact, (only the President seemed to think it not relevant) and therefore would not order Mr Lockhart's two notes that were found in the Lady's strong box to be delivered up, but we ordered them to be registrated (since they had no clause of registration) in the register of probative writs, and themselves put into the Earl's repositories. There was also a pretty new question, whether dressing-plate was *paraphernalia*, Lady Clementina having claimed them as belonging to her mother the last Lady Wigton, and therefore not alienable by her father. I thought that they were not *paraphernalia*, and that nothing was such but the attire or ornaments of the wife's person. The President on the other hand thought them *paraphernalia*, and instanced the patch box. However, as Lady Clementina had not proved her right, we agreed that they also should be delivered to the Lady Wigton on caution.

No. 24. 1744, July 18. CAMERON *against* LAWSON.

WE gave a like judgment as we did 5th January last, Crawfurd against Campbell, (No. 20.) finding that a man's wife could not be adduced against him; but at same time we found that a son of 14 years old might be adduced against his father to prove facts that happened two years ago.

No. 26. 1747, July 22. BURTON *against* AGNES CORSE, HIS WIFE.

THE Lords refused to stop an inhibition at the husband's instance against his wife, but thought he could not do it upon false and injurious narratives, and therefore ordered it to be seen as to that.

No. 27. 1747, Nov. 11, 21. EARL of CAITHNESS *against* THE COUNTESS of CAITHNESS.

THE question was, Whether a husband can *ad libitum* inhibit his wife? Tinwald thought he could not. Arniston thought that he could not without settling a reasonable maintenance for the family whereof she had the managemcnt, or in case of living sepa-

rate, without settling a reasonable aliment to her. I thought if they lived together, the husband was not bound to entrust her with the management of his family, and might employ another, nor could we determine at what expense every man was bound to maintain his family. But in case of being separate, as the husband is bound to aliment his wife, I was in that case of Arniston's opinion. The question was put, adhere or alter the Ordinary's interlocutor, who had granted certification for not production, and it carried adhere. I thought the most voted only on the point of form. Against the interlocutor were *inter alios* President, Kilkerran, and I.—(11th June 1745.)

THE question was upon the Earl's inhibition against his Lady, mentioned 11th June 1745, where the only question determined was the competency of the Lady's action of reduction which was given in her favours, but now the question was of the relevancy, and we found (Tinwald and Milton *renit.*) that a husband may *ad libitum* inhibit his wife, but ought not to be allowed false and injurious expressions. Our interlocutor is, that we repel the reasons of reduction, but remit to the Ordinary on the bills to consider the inhibition, and if he finds any of the expressions injurious to delete them, and order it to be so marked on the record. 21st November The Lords adhered, and refused a bill that I thought a little without answers.

No. 28. 1748, Feb. 5. ANN FINLAY *against* HAMILTON.

ANN FINLAY brought a process against her husband's brother for a very great riot committed on her as she alleged, but the Sheriff refused to sustain process without the husband's concourse. She raised advocation, which Drummore refused. But on a reclaiming bill the Lords recommended to the Ordinary to remit with instructions to authorize the pursuer to carry on the process.

No. 30. 1748, June 7. COUNTESS of WIGTON *against* L. ELPHINGSTON.

FIND by majority that dressing-plate falls not under a Lady's *paraphernalia.*

No. 31. 1749, Jan. 10. COLLEGE OF ABERDEEN *against* THE TRUSTEES OF THE WIDOWS SCHEME.

FIND the College entitled to the *widows scheme* as the other Colleges. President thought the assembly's judgment final, as did Milton. 2dly, Find that the Principal had a casting vote. I gave no opinion, aud no vote was stated. Arniston also thought that though the Principal had not had two votes, yet as they were four and four, the four opposers could not hinder the other four from taking the benefit of the scheme,—which to me seemed odd.

No. 32. 1749, June 10. A. *against* B.

ON Justice-Clerk's report we refused to pass a bill of lawburrows at a wife's instance against her husband otherwise than *causa cognita,* and therefore ordered the husband to be served with a copy.