

fit, whether for sale, or for their proper use, and in effect wives are trusted by their husbands, and *præpositæ* for that particular management. And as to the *second*, It is the ordinary practice to lead probation, even in absence of the parties, in small scuffles where bloodwits happen.

No 388.

“THE LORDS found the husband liable; but suspended the decret for the bloodwit; and found that probation ought not to be led in absence; and that the Bailie ought only to have unlauded the suspender, and granted a warrant to apprehend him until he found caution.”

Fol. Dic. v. 2. p. 210. Dalrymple, No 149. p. 205.

S E C T. XXIII.

What Actions competent.

1662. *January 24.* LAIRD OF RENTOUN *against* MR MARK KERR.

THE LAIRD of Rentoun having obtained decret before the Commissaries of Berwick against Mr Mark Kerr, compearing for three chalders of victual of teind, Mr Mark suspends upon iniquity; because he having proponed a relevant defence, that he ought to have allowance of the annuity which he had paid, which affected the teinds, it was repelled. The charger *answered, Non relevat*, by way of suspension, without there were a reduction. The suspender *answered*, The reason was instantly verified, by inspection of the decret.

THE LORDS found the reason not competent by suspension without reduction.

Stair, v. 1. p. 87.

No 389.
Not competent to suspend a decree upon the head of iniquity.

1750. *July 26.* BUCHANAN *against* URE.

THERE being an advocation sought of a cause depending before the Sheriff of Stirling, betwixt George Buchanan, tenant in Dunbrock, and James Ure, tenant in Haltoun of Balgair, for a less sum than L. 12 Sterling; the Lord Ordinary had remitted with an instruction; but the matter being brought by bill and answers before the Lords, they were of opinion, this cause could neither be

No 390.
A cause below L. 12 Sterling cannot be advocated, nor any instruction given in the remit.