

No 152. to be owing L. 26 to Patrick. After her husband's decease, John Scougall's executors pursued her for payment of that L. 26 which she had granted. THE LORDS ' would not sustain action against her for that debt, granted by her in her husband's time,' seeing she could neither prejudge her husband nor herself by it.

Spottiswood, (HUSBAND AND WIFE.) p. 158.

1631. *March 18.*

HOWISON *against* LADY LAURIESTON.

No 153.

JOHN HOWISON having pursued the Lady Laurieston for L. 63 for meal and malt furnished to her in her husband's time, when he was absent at Court; the LORDS would not burden her with the payment of it, although it was for provisions to her house; and albeit it was *alleged* that she had a factory from her husband in the time, giving her power to uplift his rents, pay his debts, and transact therefor, and generally to do all his business.

Fol. Dic. v. 1. p. 397. Spottiswood, (HUSBAND AND WIFE.) p. 158.

1672. *July 10.*

NEILSON *against* GUTHRIE.

No 154.

A MARRIED woman found liable for her wedding clothes, taken off by herself before the marriage; for, though this furnishing was *in rem versum* of the husband and not of the wife, yet here she was bound by her own contract entered into before marriage.

Fol. Dic. v. 1. p. 397. Stair.

. See this case No 94. p. 5878.

S E C T. H.

Furnishings to a wife who has a separate aliment.

No 155.

A married woman found liable for drugs furnish-

1667. *December 19.* ADAM GAIRNS *against* ELIZABETH ARTHUR.

ADAM GAIRNS as assignee constituted by Patrick Hepburn, pursues Elizabeth Arthur for the drugs furnished to her, and her children at her desire; it was *alleged* absolutor, because she was, and is clad with a husband, and the furni-

ture could only oblige him, but not her. It was *replied*, That she had a peculiar estate left by her father, wherefrom her husband was secluded, and which was appointed for her entertainment, that her husband was at that time, and yet, out of the country, and hath no means.

THE LORDS found the reply relevant.

Fol. Dic. v. I. p. 398. Stair, v. I. p. 498.

No 155.
ed to her and her children by her orders, she having an estate from which her husband was excluded.

1688. July 6. HENRY ROBINS *against* The COUNTESS of SOUTHESK.

No 156.

FOUND that though any furnishing made by merchants, &c. to the Lady Southesk, after she had a separate aliment settled upon her, would oblige her personally, and affect her aliment, yet neither she nor her aliment could be liable for furnishing before constitution of the aliment; and that her promise since the settling of the aliment, to pay what was furnished to her before the aliment, was revocable as done *stante matrimonio*; and that her husband's representatives were liable for that furnishing.

Fol. Dic. v. I. p. 398. Harcarse, (STANTE MATRIMONIO.) No 890. p. 253.

S E C T. III.

Furnishings to a Wife, whose Husband has deserted her.

1611. January 9. HOG *against* LITTLE, in Kirkcaldy.

A WOMAN and her husband having deserted and dwelling sundry, and the wife keeping an open hostlerie diverse years, albeit her husband have served inhibition upon her, yet if she give her bond for flesh and furnishings made to her house, the husband will not have action for reduction of the bond, if the party renounce all action and execution upon the bond against the husband's person and goods, and seek only execution against the wife and her goods.

Fol. Dic. v. I. p. 398. Haddington MS. No 2103.

No 157.

1629. March 19. RUSSEL *against* PATERSON.

A MERCHANT furnishing wines to a woman, and she being pursued by him for the price thereof, the action and process was sustained against her, albeit

No 158.