

No 290.

allege that the disposition was not delivered, seeing she did ratify the same judicially, which is sufficient to prove the delivery; and she cannot revoke the disposition, she having judicially ratified the same upon oath. *Duplied*, That it was ordinary for women to ratify dispositions judicially, and yet retain the disposition and ratification in their own hands until affairs were finally ended; so that the judicial ratification cannot infer the delivery of the disposition; as also, the judicial ratification cannot be respected, seeing it is not subscribed by the principal, but only by the clerk; and it was not done before the judge competent, being done by the Sheriff of Edinburgh, within the precinct of the Abbey, which is *extra territorium*. *Triplied*, That the judicial ratification of a right must infer the delivery, as well as the registration or intimation thereof; and the ratification ought to be sustained, albeit the principal be not subscribing; because it is offered to be proved by her oath, that she compeared judicially, and ratified the disposition; and judicial ratification being *actus voluntariæ jurisdictionis*, may be done and expedite before any judge having jurisdiction, albeit *extra territorium*, seeing it is not necessary it should be done *pro tribunali*, but in any private house, whether it be within or *extra territorium*.—THE LORDS found the allegiance of not delivering the disposition relevant, seeing it was still in the Lady's own hands, and that it was not elided by the judicial ratification.

Sir P. Home, MS. v. 2. No 686.

No 291.

1686. December. ANDREW LASSELS *against* MARGARET RICHARDSON.

A WIFE having, *stante matrimonio*, wadset lands she was heiress of, for a sum that was *in rem versum* of the heritage, the LORDS found her not liable personally to pay, but that the land was liable, though she had not judicially ratified the deed.

Harcarse, (STANTE MATRIMONIO.) No 884. p. 252.

No 292.

1704. January 11. } GORDON *against* CAMPBELL.

THE wife's debts, though just and lawful, can induce no execution against her person, while *vestita viro*.

Fol. Dic. v. 1. p. 408. Fountainhall.

. See this case No 24. p. 5787.