

1697. July 30.

INCORPORATION of TAYLORS in the Canongate *against* ELIZABETH DAIKERS.

No 143.

THE deacon, box-master, and Incorporation of the Taylors of the Canongate being debtors to Elizabeth Daikers in 500 merks by bond, and being charged, they suspend that she is minor; and though she be lately married, yet Gib, her husband, is a highland man, having nothing, and if the marriage dissolve within year and day, the tocher returns, and he has no right thereto, and so he cannot validly discharge.—THE LORDS found her sufficiently authorised by her husband as curator to her, and that the right of administration and *jus exigendi* was in him, and these uncertain events could not hinder his uplifting, and therefore found the letters orderly proceeded.

*Fol. Dic. v. 1. p. 397. Fountainball, v. 1. p. 790.*

1708. July 6. LADY INVERGELLY *against* HER HUSBAND.

No 144.

MRS ISOBEL ELLIS, Lady Invergelly, gives in a petition, craving the custody and delivery of her only son from Robert Lumisden of Invergelly, his father, in respect of his tenderness, and that she could attend his health better than any other, and that his education at schools and colleges was neglected, and that she was willing to maintain him out of her own aliment, during her separation. THE LORDS, considering he was a youth come to age, and *in familia*, thought the father had the only right to keep and educate him; and therefore refused her bill.

*Fol. Dic. v. 1. p. 397. Fountainball, v. 2. p. 448.*

1760. June 26.

COLIN, DUNCAN, and MARGARET CAMPBELLS, *against* JOHN CAMPBELL of Ardnave.

No 145.

A widow, having children, married a second husband, and dying without issue of that marriage, her children, as her executors, brought an action against her

KATHARINE CAMPBELL was first married to John Campbell of Killinallian, by whom she had several children; and after his death, to John Campbell of Ardnave; of which marriage there was no issue.

Ardnave, the second husband, got some money, and other effects, with his wife, which had been left her by her first husband; and, on the other hand, he settled her in a life-rent annuity, and other provisions, in case of her surviving.

This marriage having dissolved in September 1748, by the predecease of the wife, Colin, Duncan, and Margaret Campbells, her children of the first mar-