

HUSBAND AND WIFE.

1733. *November 23.*

CHILDREN of Mr ROBERT DALL *against* The COUNTESS of SOUTHESK.

No. 1.

THE husband's forfeiture dissolves the *curatela mariti*, and the wives can bind themselves without the husbands as effectually as before with his consent; nay, further, they can bind themselves for their husbands' personal debts. And the defence repelled that the creditor entered no claim on Southesk's estate. (See DICT. No. 210. p. 6002.)

1734. *January 25.*

A. *against* B.

No. 2.

THE wife's right to her jointure is only from the sentence, and not drawn back to the crime, or raising of the process, because adultery dissolves not the marriage *ipso jure*, therefore the marriage still subsisted till sentence.

1734. *February 8.*

ANDERSON LADY LOQUHARRET, *against* WELSH of Loquharret and his CREDITORS.

No. 3.

SENTENCE of divorce following upon adultery of the man, the wife has right to her jointure, but cannot likewise repeat her tocher. *Sed vide* Balfour, *Title* MARRIAGE, cap. penult.—*Title* CONJUNCT-FEE, cap. ult.—and Old Pract. IBIDEM. (See DICT. No. 9. p. 333. and No. 11. p. 334.)

1735. *January 15.*

GEMMILL *against* CHRISTIAN YULE.

No. 4.

WIFE though *præposita* in keeping a tavern while the husband lives in family, unless she was also in use with his knowledge to buy liquors and grant obligations, cannot sell or pledge his household furniture; nor *2do*, her own *paraphernalia*; *3tio*, Found that tea-plate is not *paraphernalia*. (See DICT. No. 201. p. 5997. and No. 172. p. 5970.)