

1738. *January 24.* MARY DICK *against* Mr CASSIE and his WIFE.

No. 9.

ACKNOWLEDGMENT by a procurator in a process, wherein the husband concurred to defend her, was found probative against the husband as well as the wife, and (was said by some, that though a husband needs not suffer his wife to depone in his prejudice, yet if he allows her to depone without objecting, the oath will prove against him.) *2dly*, He having got a general disposition to all his wife's effects in his contract of marriage, that was understood to be *cum mere debitorum*; and therefore he was found liable for her debts bearing annualrent, that is for a bond of her first husband's, for which she was found liable. *Vide* 17th November 1737, *inter eosdem voce* PRESUMPTION. *Vide* Parkhill *against* Weir, No. 13. *voce* BILL OF EXCHANGE. (See DICT. No. 69. p. 5857.)

---

1739. *February 8.*

Mrs FRANCIS SINCLAIR *against* CREDITORS of CLUNES, Her HUSBAND.

No. 10.

*JUS MARITI* of a bond due to the wife bearing annualrent, not carried by an arrestment of a creditor of the husband's, (as had been found, 5th July 1726, Spreull *against* James Grant,) but only the bygone annualrents.

---

1739. *February 23.* JEAN and MARGARET GRAYS *against* DUNLOP.

No. 11.

LIFERENT annuities, and other annual prestations, though containing a clause of annualrent after the several terms of payment, do notwithstanding remain still moveable *quoad fiscum et relictam* even after the terms of payment, because still considered not as *feuda* but as *fructus*. (See DICT. No. 7. p. 5770.)

---

1739. *November 14.*

CRICHTON LADY CROWDIEKNOWS *against* The CREDITORS.

No. 12.

WHERE a succession devolving to a wife is *damnosa*, or doubtful, so that the wife abstains and does not enter, the husband's acquirors of the debts are not presumed to be for the wife's behoof, but for the husband's own behoof, and such a succession found to be no sufficient cause for an additional remuneratory provision, which was therefore reduced in time coming in competition with creditors.