No. 18. 1752, July 30. LESSLY of Lumquhat *against* HUNTER.

LUMQUHAT employed Arnot a weaver to weave two webs of linen cloth for him of Lumquhat's yarn, which he did, and thereafter sent them to Hunter's bleachfield to be whitened, but marked with his own name. Arnot broke and owed Hunter an account for bleaching a former parcel, who detained Lumquhat's cloth with other cloth he had of Arnot's for payment of the account, saying that he bleached it as Arnot's whose name was on it, having in his advertisement directed the owners to sew their names in their cloth. Lumquhat sued him before the Justices of Peace, and brought a proof of his property, that is, his property of the yarn, and employing and paying Arnot for weaving, and recovered decreet, on his paying the whitening these two webs; which Hunter suspended; and Justice-Clerk affirmed the decreet; and this day we adhered, on advising a reclaiming bill and answers, but only by the President's casting vote. Lumquhat denied that he consented to, or knew of Arnot's marking the webs with his own name.

IDIOTRY AND FURIOSITY.

No. 1. 1738, Feb. 14. GRAY *against* GRAY.

THE Lords did not find sufficient cause for reducing the service upon the brieve of idiotry without evidence for the pursuer of the reduction, and therefore granted a conjunct proof to either party of the condition of the said James Gray.

No. 2. 1749, June 21. MORISON, &c. *against* EARL of SUTHERLAND.

AN inquisition of lunacy being found in London against George Morison, son to the late Prestongrange, the Chancellor appointed Walter Bain and Penelope Morison the lunatic's sister Committees of his estate, and Sir Nicholas Baillie of his person; and John Hamilton on a factory from Bain and his wife sued Earl of Sutherland for L.2100 sterling, due by the Earl to George by an English double bond granted in London for L.4200. Excepted, The inquisition in England is no legal evidence in Scotland; 2dly, If it were, the Chancellor has no power to direct the management of any estate of his in Scotland, because *extra territorium.* Answered, The *statuta personalia loci domicilii* must bind every where a lunatic or fatuous person, or minor, or married person, who held so there must be held so every where;—moveable *sequuntur personam*, and are regulated by the law of the place of domicile. Replied, *Statuta* even *personalia* have no force *extra territorium*, if it is not *ex comitate.* A man is major in Naples at 18, but if he had an estate in Scotland he could not dispose of it. To the second, Even the succession of moveables in Scotland is ruled by the law of Scotland wherever the owner dies, witness the case of Duncan's executors; and debts must be regulated by the law of the place where they must be sued. The

pursuers apprehensive of the decision, applied to the Chancellor, and got a warrant to Sir Nicholas Baillie to give then access to the lunatic, to get from him a letter of attorney to Mr Hamilton to sue in his own name, which warrant he granted, and they got the letter of attorney, and insisted on both titles. Excepted, a lunatic could give no attorney, which the pursuers maintained he was; and if he was not lunatic, yet by the petition and warrant it appeared he was used as such and not his own master. I reported the case, and the Lords unanimously found, that neither the Chancellor's commission nor the letter of attorney gave a sufficient title to carry on this sale. But this was reversed by the House of Lords, and the title sustained to maintain action in the appellant Morison's name, 13th February 1750, which was founded on the letter of attorney as I was told.

IMPLIED WILL.

No. 1. 1736, Jan. 7. Mochrie *against* Linn.

The Lords found that a general conveyance of all goods, gear, debts, and sums of money, and others whatsoever that did pertain or should pertain to him at the time of his death, to which a particular enumeration of moveable bonds was subjoined, neither extended to a house nor even to an heritable bond, though no infeftment followed on it. This was unanimous.

No. 2. 1737, Dec. 21. Hew Montgomery *against* R. Montgomery.

The Lords by a narrow majority found that the pursuer must make his election, and either accept or repudiate this disposition. *Renit.* Justice-Clerk, Strichen, Kilkerran, Tinwald, Arniston, *et me.*

No. 3. 1738, Nov. 3, 9. Parkhill *against* Weir.

A question occurred, Whether Parkhill accepting from his wife in her contract of marriage a general disposition *omnium bonorum*, with a reserved faculty to the wife to dispose of 10,000 merks, the husband is liable to the creditors of the wife after her death, otherwise than in so far as he was *lucratus* upon deducting a competent tocher, or which is much the same, if he should have deduction of these debts out of the faculty; or on the other hand, if the husband is liable *in valorem* of the subjects to the whole debts as well as faculty, without regard whether he has a competent tocher or not? This last carried by a great majority, *sed renit.* Arniston, Strichen, and Murkle, who thought that such a general disposition did not at all make the husband liable for any debts, only it might be reduced on the act 1621, so far as exceeded a competent tocher, in the same way as if it were a special disposition, and, if it did not exceed a competent tocher, he was not at all liable after dissolution of the marriage; and if he paid them these, or if he paid