

1748. *March.* MOIR *against* MOIR.

No. 29.

IN March 1748, when we were sitting on the jurisdictions, I reported a bill of inhibition by Mr Moir of Leckie against his wife, niece of Sir Walter Montgomery of Kirktonholm, and objection against it, but the inhibition was on the same ground as in No. 27. passed. *Vide* No. 35.

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1748. *June 7.*

COUNTESS of WIGTON *against* LADY CLEMENTINA ELPHINSTON.

No. 30.

FOUND that dressing plate falls not under a Lady's *paraphernalia*. See No. 23.

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1749. *January 10.*

COLLEGE of ABERDEEN *against* TRUSTEES of the WIDOWS SCHEME.

No. 31.

THE King's College of Aberdeen found entitled to the Widows Scheme and liable to it, though the Professors were divided four to four, and the Principal took two votes; 1st, because it was so judged by the General Assembly, and their judgment was thought final; and, 2dly, that in case of equality the Principal had two votes.

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1749. *June 10.*

A. *against* B.

No. 32.

WE refused to pass a bill of lawburrows at a wife's instance against her husband otherwise than *causa cognita*, and therefore ordered the husband to be served with a copy of the bill. *Referente* Justice Clerk.

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1749. *November 24.* MRS TOD *against* EARL of SUTHERLAND.

No. 33.

THE Countess of Sutherland in August 1742 accepted a bill to a milliner for L48. as the balance of her account, payable at Candlemas 1743, and got her account discharged. Repeated demands were made for the money, and the Countess's letters promising payment produced; and now after the

Countess's death they sued the Earl, and I found him liable for both principal and annualrent from the term of payment, and thought there was the same ground in law to subject him to interest as to the capital; but on a reclaiming bill the Lords found no interest due. (See Dict. No. 226. p. 6019.

No 33.

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1750. *January 16.* RIDDEL *against* INGLIS.

No, 34.

A SETTLEMENT by a man of provisions to his wife and children in the different events of his own and of her predecease, delivered by him to the wife and by her to a friend; the only child of the marriage after the wife's death, pursued her father to implement. Alleged not delivered because the wife's custody was the husband's. The Lords sustained the delivery.

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1750. *December 6.* LADY LECKIE *against* MOIR of Leckie.

No. 35.

*Rev. G. T. L. 1750*

A HUSBAND having to some of his friends reproached his wife with lasciviousness, and even a most insatiable lust, to justify himself from a reproach that he was suspected of, and wherewith he said she charged him, viz. impotency, and these friends having propalled the scandal against the wife; the wife pursued a separation and aliment; and in the whole course of that process he, or at least his counsel in his name in their pleadings and writings, charged her with the same lascivious behaviour and immoderate lust, as the cause of their disagreement, and of the scandal of impotency raised against him, and maintained the truth of the information he had given his friends, though they owned they could not prove it. The Commissaries, after proof taken, found sufficient cause for separation and aliment. But on a bill of advocation we at first altered, and remitted with instructions to find no sufficient cause for separation. But on a reclaiming petition and a hearing in presence for three days, we altered our opinion, and refused the bill of advocation simply. We thought that her husband had ruined her character and good name in the opinion of every person who would believe him, and excluded her from the society of every virtuous woman who would give credit to the scandal; that she could not therefore consistently with maintaining her honour and good name live with a man that had endeavoured to ruin both, and that too, as she must