

No. 35. affirm falsely; and even the husband could not with his honour live with her, and at the sametime maintain the truth of those things he has hitherto constantly averred, and far less could he love her. And some precedents were quoted from the Parliament of Paris pretty apposite. Our first interlocutor altering the Commissaries was 8th June 1750; but upon appeal, after three days hearing, the last interlocutor was reversed, and the interlocutor 8th June affirmed,—24th April 1751, *nemine contradicente*. There were present only one English, and eight Scots Lords.

1751. February 13.

PRESBYTERY of PERTH *against* The MAGISTRATES of PERTH.

No. 36.

IN a process at the instance of the Presbytery against the Magistrates of Perth for L.10 yearly during the vacancy of the third Minister from 1740, (in terms of the Widow's Scheme) we found that there was no proper erection of a third benefice, nor no vacancy, that third Minister being now suppressed.

1751. February 13.

PRESBYTERY of LINLITHGOW *against* The MAGISTRATES of LINLITHGOW.

No. 37.

IN a like process (with No. 36.) against the Magistrates of Linlithgow, we at first found the town liable, but 13th February 1751, we altered, and found there was no erection of a second Minister or benefice, and no vacancy.

1753. December 5. SHEARER *against* SOMMERVELL.

No. 38.

A HUSBAND and wife having executed two mutual dispositions, settling their whole effects on the longest liver, which the wife, by a private deed, concealed from the husband, revoked, and thereafter the husband ratified his former disposition and died;—it was found, 1st, That these two dispositions were onerous and irrevokable; 2^{dly}, That the wife was not excluded by her revocation from the benefit of the disposition in her favours.

See No. 1. *voce* HORNING.

See WITNESS.

See NOTES.