

1776. *December 13.* JOHNSTON *against* CRAWFORD and MASON.

No. 4.

This case, shortly mentioned No. 81. p. 4544, *voce* FOREIGN, relative to a decree arbitral pronounced in Holland, will be found detailed at large, APPENDIX, Part I. *voce* ARBITRATION, No. 4.

1797. *January 20.* Ross and Others *against* AGLIANBY.

No. 5.

This case, which is No. 120. p. 4631. was appealed.

The House of Lords, 15th December 1797, ORDERED and ADJUDGED, that the interlocutor of the Lord Ordinary of the 15th of February 1796, in so far as it finds, that in respect Mrs. Lowthian has accepted of a provision of an estate in England, that she is not entitled to claim a terce out of the lands in Scotland; and the interlocutor of the Lord Ordinary, of the 21st of May 1796, in so far as it finds, that in respect it is not alleged by the defender, that any other person is in possession of that estate, or competing with her for it, or that she herself is not in possession of it, in terms of her husband's settlement; and in respect that she does not offer to convey her right to that estate in favour of the pursuers, or even to repudiate her husband's settlement thereof, therefore that she is not entitled to claim a terce out of the lands in Scotland; and the interlocutor of the Lords of Session of the 20th of January and 9th of February 1797, in so far as they adhere to the parts of Lord Ordinary's interlocutor above mentioned, be Reversed: And it is hereby declared, that the appellant Mrs. Lowthian is not bound to give up the benefit of the devise to her by the will of the 12th of October 1782, and codicil thereof, of her husband, before she can be admitted to the possession of her terce out of the lands in Scotland: And it is further ordered and adjudged, that the rest of the said several interlocutors complained of in the said appeal be affirmed.

1803. *July 1.* SHEDDAN *against* PATRICK.

WILLIAM SHEDDAN, of the city of New York in America, entered into a regular marriage (7th November 1798) according to the law of America, with a woman who had previously borne to him two children, William and Jean. He died a few days afterward, having executed a settlement of his American property, in favour of his children, without taking any notice of the estate of Rughwood in Ayrshire, in which he had some time before succeeded to his father.

No. 6.

One whose parents were afterward married in a country where legitimation *per subsequens matrimonium* is not recog-