

times past, which if it was not, but they *sequuti sunt fidem uxoris*, let them crave her, but not him. THE LORDS, in regard that they had suffered their accounts to run on for two years, and that he had allowed a competent allowance on his house, thought it a dangerous preparative to give way to victualers and such furnishers to come after some years and crave the masters of houses for that which they had furnished to the use of their families before, the masters giving allowance to wives or servants who had ever been in use to pay the said victuallers, &c. for their said furnishing; and therefore sustained the exception.

No 211.

Spottiswood, (HUSBAND AND WIFE.) p. 159.

1675. December 7. DALLING against M^rKENZIE.

No 212.

A WOMAN is understood to be *præposita negotiis domesticis*; so that for the provision of her house, she may take from fleshers and baxters and others such furnishing as is necessary; and her declaration and oath may be taken, and ought to be trusted as to the same; and the husband is presumed not to know the particular quantities; and those who do furnish are not obliged to enquire whether her husband has given her money sufficient to provide his house, if she be a person that is not inhibited; seeing the husband has a remedy, if he has any suspicion that she may abuse and wrong him, and may inhibit her.

Reporter, *Glendoick.*

Fol. Dic. v. 1. p. 402. Dirleton, No 310. p. 153.

1677. July 6. JOHN ALLAN against The EARL and COUNTESS of SOUTHESK.

No 213.

JOHN ALLAN, tailor at London, pursues the Earl and Countess of Southesk, for payment of an account of furniture to the Countess, and Lord Carnegie her son at London. The Earl *alleged* absolvitor, because the Countess had gone to London without his consent, and carried his son with her, and therefore he was not obliged to pay furniture advanced to her, which was neither necessary nor profitable. *2do*, Some of the furniture was after an inhibition published and registrated; nor was he obliged for his son's furniture, but the Countess who had a separate estate and aliment, ought to be liable for both. It was *answered* for the pursuer, That he having furnished the Earl's Lady and his son, was not obliged to know that she came to London without the Earl's consent, but was in *bona fide et probabili ignorantia*, and might justly presume she came with the Earl's consent, unless he knew the contrary; and suppose she had come without consent, she behoved to be furnished effeir-

A husband found not liable for furnishings to his wife who had gone to London without his consent, farther than her expense would have been if she had staid at home.