

No 149.

THE LORDS assoilzied the defender.

A reclaiming petition was (4th July) refused, without answers.

Lord Ordinary, Swinton.

Act. Geo. Fergusson, Jo. Dickson.

Alt. G. J. Bell.

Clerk, Menzies.

D. D.

*Fac. Col. No 36. p. 82.*


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 DIVISION V.

A married woman's deeds in what cases effectual against herself, the husband consenting or not consenting.

## S E C T. I.

Furnishings to a wife whom her husband is bound to aliment.

 1610. July 6, EUSTACHIUS'S WIFE *against* LADY HALYRUIDHOUS.

No 150.

A WOMAN marrying receiving furnishing from a stranger and giving her bond to pay it, the same not being subscribed by the husband, if after his decease, the wife be pursued upon her bond, the LORDS will sustain action for so much as the defender, being sworn, shall grant her to have received, whereof she will not get relief against her husband's heir or executor, except for that which has been converted to their use.

*Fol. Dic. v. 1. p. 397. Haddington, MS. No 1944.*

No 151.

A wife was found not liable for money furnished to her for her aliment in her great necessity, tho' it was advanced upon her own credit.

 1629. December 21. MR DAVID AITON *against* L. HALKERTON.

THE Laird of Halkerton consigning a sum modified to his wife for her entertainment, which was claimed by the said Mr David, as arrested for satisfaction of a debt of 300 merks owing to him by the Lady, conform to her bond, and which sum he alleged he had furnished to her for her aliment in her great necessity, and which he referred to her oath; and she *contending*, That that sum was in law due to be paid by her husband, who in law was bound to entertain