

No 222. *Replied*, An apprentice's service is little beneficial the two first years; for then the master is at the greatest trouble in teaching him the mystery of his trade. —THE LORDS would not give it as apprentice-fee, but allowed the 100 merks by way of aliment, the father being thereby *lucratus*.

*Fol. Dic. v. 1. p. 403. Fountainhall, v. 2. p. 16. & 21.*

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1711. December 26.

ROBERT BROWN in Balleny, *against* ADAM DICKSON, Merchant in Dumfries.

No 223.

ROBERT HERRIES's wife having, in her husband's absence, sold to Robert Brown certain goods belonging to her husband, in payment of a debt owing by him to Brown, whereof Brown delivered up the instructions, with a discharge to the wife in name of her husband, at getting the goods; and Herries having never after his return reclaimed against delivery of the goods, nor sought them back; the LORDS, in a process at the instance of Robert Brown against Adam Dickson, found, That the property of the goods was thereby effectually transferred from Herries to Brown, and could not be affected by legal diligence at the instance of Herries's other creditors; in respect the husband's silence and detaining the writs delivered to his wife necessarily imported ratihabition and acquiescence in what she did.

*Fol. Dic. v. 1. p. 403. Forbes, p. 563.*

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1740. July 22.

COCHRAN *against* LYLE.

No 224.

FOUND, That in those affairs in which the wife is *præposita*, her oath is probative of furnishings; not as the oath of a witness, but as of a party.

*Fol. Dic. v. 3. p. 283. Kilkerran, (HUSBAND AND WIFE.) No 4. p. 257.*

\*\*\* See Young and Trotter against Playfair, *voce* PROOF.

No 225.

1748. June.

PARKHILL *against* BATCHELOR.

MONEY lent by the wife is presumed to be the husband's.

*Fol. Dic. v. 3. p. 283. Kilkerran.*

\*\*\* See this case, No 90. p. 550.