

Countess's death they sued the Earl, and I found him liable for both principal and annualrent from the term of payment, and thought there was the same ground in law to subject him to interest as to the capital; but on a reclaiming bill the Lords found no interest due. (See Dict. No. 226. p. 6019.

No 33.

1750. *January 16.* RIDDEL *against* INGLIS.

No, 34.

A SETTLEMENT by a man of provisions to his wife and children in the different events of his own and of her predecease, delivered by him to the wife and by her to a friend; the only child of the marriage after the wife's death, pursued her father to implement. Alleged not delivered because the wife's custody was the husband's. The Lords sustained the delivery.

1750. *December 6.* LADY LECKIE *against* MOIR of Leckie.

No. 35.

Rev. G. T. L. 1750

A HUSBAND having to some of his friends reproached his wife with lasciviousness, and even a most insatiable lust, to justify himself from a reproach that he was suspected of, and wherewith he said she charged him, viz. impotency, and these friends having propalled the scandal against the wife; the wife pursued a separation and aliment; and in the whole course of that process he, or at least his counsel in his name in their pleadings and writings, charged her with the same lascivious behaviour and immoderate lust, as the cause of their disagreement, and of the scandal of impotency raised against him, and maintained the truth of the information he had given his friends, though they owned they could not prove it. The Commissaries, after proof taken, found sufficient cause for separation and aliment. But on a bill of advocation we at first altered, and remitted with instructions to find no sufficient cause for separation. But on a reclaiming petition and a hearing in presence for three days, we altered our opinion, and refused the bill of advocation simply. We thought that her husband had ruined her character and good name in the opinion of every person who would believe him, and excluded her from the society of every virtuous woman who would give credit to the scandal; that she could not therefore consistently with maintaining her honour and good name live with a man that had endeavoured to ruin both, and that too, as she must

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.