

SECT. XI.

Sponsiones ludicræ.—Game Debt.—Premium for procuring a Wife.—
Private Lotteries.

1676. February 9. A. against B.

A PURSUIT was intended for a sum of money, which the defender was obliged by his promise to pay in case he should be married; having gotten from the pursuer in the mean time a piece, which the pursuer was to loose, in case the defender should not be married.

THE LORDS sustained the pursuit; though some of their number were of the opinion, that *sponsiones ludicræ*, of the nature foresaid, ought not to be allowed.

Reporter, *Straburd.*

Fol. Dic. v. 2. p. 24. Dirleton, No 327. p. 157.

No 52.

1678. June 6. CAMPBELL against BARNES and STEWART.

SIR WILLIAM CAMPBELL pursues John Barnes and Stewart of Blackhall, &c. to pay him 10,000 merks, on this ground, because they had promised him the said sum, if he should effectuate marriage betwixt the defender and such women; and Sir William subsumed he had done it. This is founded on the title *D. De Proxenetis*, where the law says, *Proxenetica jure licito petuntur*. But I think the pursuer must qualify relevantly, that it was by his mediation and procurement the marriage followed; for it is not sufficient to say only, *quod matrimonium est secutum*. This process moved laughter.

Fol. Dic. v. 4. p. 27. Fountainball, v. 1. p. 1.

No 53.

1687. January 13. REID against SCOT of Harden and his Lady.

REID the mountebank pursues Scot of Harden and his Lady, for stealing away from him a little girl, called the tumbling-lassie, that danced upon his stage; and he claimed damages, and produced a contract, whereby he bought her from her mother for L. 30 Scots. But we have no slaves in Scotland, and mothers cannot sell their bairns; and physicians attested the employment of tumbling would kill her; and her joints were now grown stiff, and she declined

No 54.