

1744. February 3. BAIRDS *against* GREIG.

No. 21.

THE like case occurred with that of M^rWhirter, 20th July 1743, *supra*, with this difference, that the child here survived the mother only a few months and died an infant, and yet we directed Minto, who reported, for advice, to give the same judgment as to the husband's moveable goods, the *corpora*, but to hear them as to debts, if any were. *Vide* EXECUTOR, No. 19. (See DICT. No. 37. p. 14393.)

1744. June 20. DUNBAR *against* CAITHNESS.

No. 22.

WHEN a moveable succession devolves to a married wife, whereof a part is heritable *quoad fiscum et relictam*, the interest of the husband is regulated according to the state of effects and debts, when the succession devolves, without respect to alterations made in them afterwards by the executor, by uplifting bonds bearing annualrent, or innovating them, or what effects he applied for payment of the debts heritable or moveable; and a provision in the defunct's contract of marriage to employ a sum on annualrent to himself in conjunct fee and liferent, and to the bairns of the marriage, whom failing, a part of the principal sum to be at the wife's disposal, and there being no bairns; both the wife's liferent and the sum at her disposal, deducted out of that part of the succession that was heritable *quoad fiscum et relictam*.

1744. June 26. E. of WIGTON *against* COUNTESS DOWAGER of WIGTON.

No. 23.

WHETHER *paraphernalia* comprehends dressing-plate? Not decided, and the Court differed. See No. 30.

1744. July 18. CAMERON *against* LAWSON.

No. 24

WE again found, as we did 5th January last, Crawford *against* Campbell, No. 20. that a wife is not a habile witness against her husband; and yet at the same time we found, that a son just past 14 years of age may be compelled to be a witness against his father. See WITNESS.