

rate, without settling a reasonable aliment to her. I thought if they lived together, the husband was not bound to entrust her with the management of his family, and might employ another, nor could we determine at what expense every man was bound to maintain his family. But in case of being separate, as the husband is bound to aliment his wife, I was in that case of Arniston's opinion. The question was put, adhere or alter the Ordinary's interlocutor, who had granted certification for not production, and it carried adhere. I thought the most voted only on the point of form. Against the interlocutor were *inter alios* President, Kilkerran, and I.—(11th June 1745.)

THE question was upon the Earl's inhibition against his Lady, mentioned 11th June 1745, where the only question determined was the competency of the Lady's action of reduction which was given in her favours, but now the question was of the relevancy, and we found (Tinwald and Milton *renit.*) that a husband may *ad libitum* inhibit his wife, but ought not to be allowed false and injurious expressions. Our interlocutor is, that we repel the reasons of reduction, but remit to the Ordinary on the bills to consider the inhibition, and if he finds any of the expressions injurious to delete them, and order it to be so marked on the record. 21st November The Lords adhered, and refused a bill that I thought a little without answers.

No. 28. 1748, Feb. 5. ANN FINLAY *against* HAMILTON.

ANN FINLAY brought a process against her husband's brother for a very great riot committed on her as she alleged, but the Sheriff refused to sustain process without the husband's concurrence. She raised advocacy, which Drummore refused. But on a reclaiming bill the Lords recommended to the Ordinary to remit with instructions to authorize the pursuer to carry on the process.

No. 30. 1748, June 7. COUNTESS of WIGTON *against* L. ELPHINGSTON.

FIND by majority that dressing-plate falls not under a Lady's *paraphernalia*.

No. 31. 1749, Jan. 10. COLLEGE OF ABERDEEN *against* THE TRUSTEES OF THE WIDOWS SCHEME.

FIND the College entitled to the *widows scheme* as the other Colleges. President thought the assembly's judgment final, as did Milton. 2dly, Find that the Principal had a casting vote. I gave no opinion, and no vote was stated. Arniston also thought that though the Principal had not had two votes, yet as they were four and four, the four opposers could not hinder the other four from taking the benefit of the scheme,—which to me seemed odd.

No. 32. 1749, June 10. A. *against* B.

ON Justice-Clerk's report we refused to pass a bill of lawburrows at a wife's instance against her husband otherwise than *causa cognita*, and therefore ordered the husband to be served with a copy.