

alleged and answered by the said Henry, That he made the same before the said sentence of divorce, and intending of the said action. It was *answered* by the said pursuer, That the said revocation was not relevant, without he would say, that he made the same before the committing of the said crime, whereupon the said sentence of divorce proceeded. Whilk allegiance of the said Christian was admitted, and found by the Lords, that the allegiance of the said Henry was not relevant, without he would allege the said revocation to be made before the committing of the said crime, as said is.

Colvil, MS. p. 32.

No 3.

1579. May 16.

LADY BAUGHANAN *against* The LAIRD.

THE LAIRD of Baughanan-Lessly being divorced from his wife, *culpa sua*, was pursued by her to render again the tocher he had gotten from her, desired a time to call his warrant; and produced a contract made betwixt him and the LAIRD of Grant, father to his wife. In the whilk was contained, that she was content that the divorcement should be, and should pursue him for the same.—THE LORDS would give no warrant upon this contract *quia fuit partum contra bonas mores*.

Colvil, MS. p. 53.

No 4.
A husband divorced for adultery, was pursued to return the tocher. He was not allowed, in defence, to show evidence, that the divorce had been obtained by concert.

1589. March

L. INNERWICK *against* The LADY.

AN heirefs divorced for adultery, loses not only her conjunct fee and tocher, but also the liferent of her heritage; and the courtesy takes place as if she were naturally dead.

Fol. Dic. v. 1. p. 23. Colvil, MS.*

No 5.

1670. June 22.

ELISABETH LYLE, Relict of Archibald Douglas of Lumsdean, and JOHN DOUGLAS, her Son, *against* ARCHIBALD DOUGLAS, now of Lumsdean.

THE said Elisabeth as liferenter, and her son as fiar, having intended action against Archibald Douglas now of Lumsdean, upon a bond granted to them for the sum of 4000 merks, *super hoc medio*, That the father had disposed the estate of Lumsdean to the defender, with a reservation to burden the same with the

No 6.
Tis unlawful for the person divorced, to marry the person with whom the adultery was committed, and the children begotten of such unlawful con-

* The Decisions reported by Colvill Lord Culrois, preserved in the Advocates Library, come no farther down than 1584. The Editor has not yet discovered where Lord Kaimes found the above.—See General List of Names.