

1613. June 10. HEPBURN *against* NASMYTH.

No. 6.
A wife reducing her deeds must libel *verum et justum metum*.

A woman having consented to an alienation made by her husband of lands wherein she was infeft by her husband before her marriage in liferent or conjunct fee *intuitu matrimonii*, or an annual-rent of 400 merks yearly during her life-time; the woman seeking thereafter reduction of the security made by her husband with her consent of that tenement as done by her *metu reverentiali*, for fear of an awful answer and cruel husband, and upon her revocation made since her husband's decease; the Lords assoilzied from the summons, albeit she had never ratified the infeftment by her oath given in judgment; because the Lords found that judicial ratification not necessary, and were not moved with the reason founded *super metu reverentiali*, unless she had libelled *verum et expressum metum* by relevant circumstances and deeds, and proved the same by lawful and ordinary means.

Haddington, MS. v. 2. No. 2497.

* * * See a case to the same effect, Marshall *against* Ferguson, in 1683. No. 192. p. 5990; also Leishman *against* Nicols, in 1696, No. 10. p. 13406. *voce* RECOMPENCE.

1623. January 9. MARISHALL *against* MARISHALL.

No. 7.

One being bound in his son's contract of marriage to provide the wife in a jointure, her discharge of the same was not sustained, being presumed done *ob reverentiam maritalem*.

Durie.

* * * This case is No. 245. p. 6036. *voce* HUSBAND AND WIFE.

1632. June 27. CASSIE *against* FLEEMING.

No. 8.

A wife, who was conjunct fiar, having consented to a wadset of the lands let by her husband; and, after his decease, having raised reduction *ex capite metus*, and libelling beating, expelling the house, &c. the same was found relevant and sustained, it being *specific* libelled, as was found requisite, that she suffered the above maltreatments for refusing her consent to the alienation; and this, though at the time of her subscription, she showed no repugnance; and the onerous purchaser was neither partaker of the violence nor knew thereof.

Durie.

* * * This case is No. 91. p. 10279. *voce* PERSONAL AND REAL.