

1682. *January 27.*

No 74.

AGNES BROWN and her Husband, *against* GAIRNS, Bailie of Burntisland.

THE Lord M'Donald's horses being arrested in a stable in Bruntisland, when the master of the stable was abroad, and a copy of the arrestment left with his wife, and the horses being taken away before he came home, by some of M'Donald's servants; the stabler was found liable to make the horses or value forthcoming to the arrester, albeit they were taken away before he came home, or knew of the arrestment, unless he could prove they were taken away *vi majori*, or stolen out of the stable without any neglect of his wife or servants, for whose fault or negligence the master of the stable is liable; although it was not alleged, that the wife consented to the taking the horses away.

Fol. Dic. v. 2. p. 344. Harcarse, (ARRESTMENT.) No 76. p. 14.

No 75.

1715. *July 19.* PROCURATOR-FISCAL OF COUPAR *against* SIMPSON.

A MARRIED woman having bleached linen cloth with lime, which is penal by a statute, the LORDS, *ex necessitate*, found the husband liable, because the act would otherwise be eluded.

Fol. Dic. v. 2. p. 338. Dalrymple.

*** This case is No 388. p. 12242, *voce* PROCESS.

No 76.

1734. *July 24.* FERGUSON of Auchinblain *against* M'NIDDER.

IN a pursuit against a tenant for cutting of wood within his possession, upon the act 1698, intituled, Act for preserving of planting, the tenant was found liable for his own family. See APPENDIX.

Fol. Dic. v. 2. p. 344.

No 77.

1738. *December 5.* GORDON *against* PAIN.

FOUND, That no diligence can proceed against the effects falling under the husband's *jus mariti* upon a decret recovered against the wife before the Commissaries for a verbal injury, condemning her in a certain sum, partly to the procurator-fiscal, and partly to the person injured.

Fol. Dic. v. 2. p. 344.

*** This case is No 194. p. 6079, *voce* HUSBAND AND WIFE.