

No. 18. 1752, July 30. LESSLY of Lumquhat *against* HUNTER.

LUMQUHAT employed Arnot a weaver to weave two webs of linen cloth for him of Lumquhat's yarn, which he did, and thereafter sent them to Hunter's bleachfield to be whitened, but marked with his own name. Arnot broke and owed Hunter an account for bleaching a former parcel, who detained Lumquhat's cloth with other cloth he had of Arnot's for payment of the account, saying that he bleached it as Arnot's whose name was on it, having in his advertisement directed the owners to sew their names in their cloth. Lumquhat sued him before the Justices of Peace, and brought a proof of his property, that is, his property of the yarn, and employing and paying Arnot for weaving, and recovered decret, on his paying the whitening these two webs; which Hunter suspended; and Justice-Clerk affirmed the decret; and this day we adhered, on advising a reclaiming bill and answers, but only by the President's casting vote. Lumquhat denied that he consented to, or knew of Arnot's marking the webs with his own name.

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IDIOTRY AND FURIOSITY.

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No. 1. 1738, Feb. 14. GRAY *against* GRAY.

THE Lords did not find sufficient cause for reducing the service upon the brieve of idiocy without evidence for the pursuer of the reduction, and therefore granted a conjunct proof to either party of the condition of the said James Gray.

No. 2. 1749, June 21. MORISON, &c. *against* EARL of SUTHERLAND.

AN inquisition of lunacy being found in London against George Morison, son to the late Prestongrange, the Chancellor appointed Walter Bain and Penelope Morison the lunatic's sister Committees of his estate, and Sir Nicholas Baillie of his person; and John Hamilton on a factory from Bain and his wife sued Earl of Sutherland for L.2100 sterling, due by the Earl to George by an English double bond granted in London for L.4200. Excepted, The inquisition in England is no legal evidence in Scotland; 2dly, If it were, the Chancellor has no power to direct the management of any estate of his in Scotland, because *extra territorium*. Answered, The *statuta personalia loci domicilii* must bind every where a lunatic or fatuous person, or minor, or married person, who held so there must be held so every where;—moveable *sequuntur personam*, and are regulated by the law of the place of domicile. Replied, *Statuta even personalia* have no force *extra territorium*, if it is not *ex comitate*. A man is major in Naples at 18, but if he had an estate in Scotland he could not dispose of it. To the second, Even the succession of moveables in Scotland is ruled by the law of Scotland wherever the owner dies, witness the case of Duncan's executors; and debts must be regulated by the law of the place where they must be sued. The