

therefore reduced the second feu in so far as concerns the additional 24 acres during the years of the tack. 17th November, Adhered, but see as to meliorations.

No. 11. 1737, Nov. 17. *MARY DICK against MRS CASSIE.*

See Note of No. 9, *voce HUSBAND AND WIFE.*

No. 12. 1741, July 3. *WATSON against ROSE.*

WATSON pursuing Rose for six years wages; alleged none were due because none agreed for; that the pursuer was sent to the defender by his the defender's brother for his education as a servant; that he clothed and educated him, and made him a supernumerary waiter, and he made great profits in the defender's service. Answered, Wages due without paction, the pursuer having before been a servant to the defender's brother for wages, 20 merks. Replied, The pursuer's wages, what he got from the defender's brother, were not near equal to the clothes the defender gave him, besides his education and other profits. The Ordinary's interlocutor had found no wages due, and the Lords adhered and refused a bill without answers.

No. 14. 1744, June 26. *EARL OF WIGTON against COUNTESS DOWAGER.*

See Note of No. 27, *voce HUSBAND AND WIFE.*

No. 15. 1744, July 31. *MALCOLM against DR BALFOUR.*

THE Lords in effect found that physicians honoraries are presumed paid at the time, unless the circumstances make it improbable that they would be paid,—which is the common case of death-bed sickness.

No. 16. 1744, Nov. 10. *EARL OF WIGTON against THE COUNTESS.*

THE Lords thought that family pictures did not fall under a provision to a wife of household furniture. Arniston was clear, and so was Drummore. The President first was of a different opinion, but afterwards doubted. The President also thought that a kitchen grate and stove-holds fixed in the ordinary way, and a boiler for boiling cattle's meat, did not fall under the provision. Remitted to me to pass the bill of advocation. (See No. 14.)

No. 17. 1745, Feb. 17. *JOHN WEIR against WILLIAM STEEL.*

THE Lords found the dispositions not revoked by the contract of marriage; but they thought proper first to allow a proof by parole evidence of the defender William Weir's expressions, to shew that he did not mean to revoke the dispositions, which to me appeared extremely new, to admit parole evidence to determine the succession of land estates.—19th December 1744.

This case is mentioned 19th December. This day the Lords without any new debate from the Bar or on the Bench, found the former settlements not altered by the contract of marriage, upon advising the proof. I confess the whole procedure appeared to me odd.