

doubted that in form the wife can be charged with horning without charging the husband, for no process can go against a wife though for a subject purely heritable, or wherein he has no interest *jure mariti*, without calling the husband; and horning is a process, and so called in our law books, and so where the horning is for a debt of the wife purely heritable the husband is always charged for his interest. However, the Court ordered the letters of horning to be issued against the wife alone, and not against the husband even for his interest.

No. 2. 1742, Dec. 2. MURDOCH KING *against* JOHN HUNTER.

See Note of No. 35. *voce* ADJUDICATION.

No. 3. 1745, June 5. MARY HAY *against* STEWART of Kincarchie.

See Note of No. 6. *voce* ASSIGNATION.

No. 4. 1746, June 4. A. *against* B.

UPON a doubt suggested whether a horning executed in October or November 1744, and might have been denounced and registered within the year, but was not denounced till lately, might be now registrated upon the late act of Parliament; the Court were unanimous that it might, and ordered it to be marked as their opinion in the books of sederunt.

No. 5. 1747, Nov. 27. ANDREW RAMSAY *against* CHILDREN of HAY.

See Note of No. 8. *voce* ANNUALRENT.

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## HUSBAND AND WIFE.

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No. 3. 1734, Feb. 8. ANDERSON LADY LOQUHARRET *against* WELSH.

THE Lords found the wife had no action for repeating her tocher on account of the divorce—unanimously except the President, who gave no opinion, but proposed a hearing,—and I now doubt of the judgment. *Vide* Balfour, Tit. MARRIAGE.

No. 4. 1735, Jan. 15. GEMMILL *against* CHRISTIAN YULE.

THE Lords found the *prepositura* by the wife's keeping a tavern while the husband lived in the family not relevant to enable her to sell or pledge the household furniture, unless the defender prove the wife's being in use to buy liquors for the house, and grant obligations with the husband's knowledge or approbation. They also found, that the tea-plate