

son to the other children, was found delivered, because in the hands of the son's wife.

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1776. *November 22.* LECKIE *against* LECKIE.

PUTTING a deed in the Register was held equal to delivery. This was in the case of a settlement of a man's affairs,—to take place after his death. It contained a clause dispensing with the delivery,—but no faculty to revoke.

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## DIVORCE FOR ADULTERY.

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1765. *January 15.* COLONEL SKENE and WILLIAM GRAHAM *against* Mr CUNYNGHAM.

MR Cunyngham brought a process against his wife on the head of adultery : he was required to condescend upon the persons he suspected to be the accomplices. He waved this as long as he could ; at last, he described them by particular marks. The Lords would not accept of this : they compelled him to condescend upon oath, on the names of those he suspected : he did so : in the event, the Lady was assoilyied. The two gentlemen condescended on afterwards brought an action of injury, defamation, and damages, against the husband. He pleaded that the discovery was no voluntary act upon his part ; that he was compelled to do it by judgment of the Court ; and therefore that an *animus injuriandi* could not be presumed. The defences were overruled, and he was found liable both in damages and expenses.

In another case,

1767. *July .* MARTIN *against* MICHIE.

MARTIN, the husband, being in the Isle of Man, his agent, who gave in the condescendence, was ordained to depone that he could not give in one more special ; and in the one given in he was ordained to be as special, as to times, places, and persons, as he could be. It was to this effect, That the wife frequented bad houses, specially condescended on ; and was seen lying there with men unknown, other than her husband.