

1610. July 14. EARL of EGLINTON against The COUNTESS.

No 391.

A MARRIAGE sought to be annulled *propter impotentiam*; if the pursuer seek *donationem propter nuptias*, her summons in that point cannot be sustained, seeing the separation is not *propter violationem conjugalis thori, sed propter impedimentum naturale*; and if the defender offer himself to trial, and there be no delay in him, the pursuer should have no longer modification for her aliment.

*Fol. Dic. v. 1. p. 415. Haddington, MS. No 1960.*

Wife cannot be pursued without calling the husband. See CITATION.

Import of various clauses in contracts of marriage. See CLAUSE.

Husband's courtesy. See COURTESY.

Relict, for her third, has access only against the defunct's executors. See EXECUTOR.

Deeds done by a wife from the undue influence of her husband. See FRAUD.—VIS et METUS.—BONA et MALA FIDES.

What sums fall under the *jus relictae*. See HERITABLE and MOVEABLE.

*Jus relictae* when understood to be renounced. See IMPLIED DISCHARGE and RENUNCIATION.

Legal share sometimes a third, sometimes a half. See LEGITIM.

Mutual obligations in contracts of marriage. See MUTUAL CONTRACT.

Alimentary provision to a wife falls not under *jus mariti*. See PERSONAL and TRANSMISSIBLE.

Prescription, if it runs against a wife. See PRESCRIPTION.

Wife, if a privileged creditor for the provisions in her contract. See PRIVILEGED DEBT.

What constitutes evidence of marriage. See PROOF.

The husband, if liable for the wife's delicts. See REPARATION.