

1709. December 3.

LADY PITMEDDEN and SIR ALEXANDR SEATON of Pitmedden, Her Husband against EUPHAN BATHGATE, Relict of ROBERT LAUDER, Clerk-depute of Dundee, and Sir ALEXANDER WEDDERBURN of Blackness.

SIR ALEXANDER WEDDERBURN being debtor in 861 pound Scots, to Euphan Bathgate dwelling in Dundee in liferent, and to the Lady Pitmedden in fee, who, with the consent of her husband for his interest, desired to uplift the money, the LORDS found, that the fiar had *jus exigendi*, upon securing Euphan Bathgate, by finding surety within Dundee, to pay her the annualrent there during her lifetime; albeit the debtor was responsible, and the liferentrix was against altering the security.

No 65.

*Fol. Dic. v. 1. p. 304. Forbes, p. 360.*

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## SECT. VII.

### Rights to Daughters and their Heirs.

1779. June 23.

MARGARET PORTERFIELD against ELIZABETH GRAHAM, and Others.

DOCTOR WILLIAM PORTERFIELD executed a deed, by which he assigned over to his only child Margaret Porterfield, (wife to Mr Grahame of Gartmore), in liferent, and to the heirs of her body in fee, certain bonds, and the interest remaining due upon them at the time of his death.—This deed contained the following clause: ‘ With full power to my said daughter, and her foresaids, for their respective interests above mentioned, after my decease, to uplift and receive the foresaid sums of money; and, if need be, to sue therefor, and to grant discharges of the same, which shall be sufficient to the receivers; and, generally, to do every thing in the premises which I could have done in my life. But declaring always, that these presents are granted by me, and to be accepted of by the said Margaret Porterfield, with the burden of the payment of my just and lawful debts, and funeral charges, and all legacies that shall happen to be left by me at my death.’

Mrs Graham, at the time when this settlement was executed, had issue one child, a daughter, and, before her father’s death, had other two children, likewise daughters. She survived both her father and her husband. After her

No 66.

A bond was granted to a daughter in liferent and her children in fee, with power to the former to uplift and discharge. She was found to be fiar.