

No 179. 1720. *February 7.*
COLQUHOUN of TILLIHEWN *against* EXECUTORS of LADY ROSEBURN.

A bond of provision granted to a woman, *vestita viro*, to her daughter's husband in name of tocher, found null. SEE APPENDIX.

Fol. Dic. v. 1. p. 399.

S E C T. VI.

Bonds by Wives for antecedent onerous Causes.

No 180. 1609. *December 12.* ZIBBIS *against* COUNTESS of ORKNEY.

ANE Fleming, called Zibbis, pursued the Countess of Orkney, upon her obligation to pay to her L. 900.—She *excepted*, That the obligation was null; because, she being clad with a husband, he had not consented to the obligation.—It was *replied*, That the obligation was granted for the price of stuffs to be her clothing, and other necessary furniture concerning her clothing and aliment; in respect whereof, albeit the obligation contained not these causes *per expressum*, the LORDS repelled the exception.

Fol. Dic. v. 1. p. 400. Haddington, MS. v. 2. No 1680.

No 181. 1610. *January 13.* PRIMROSE *against* WATSON.

A WOMAN, as executrix or intromissatrix with her umquhile husband's goods, being bound or decerned to make payment to her bairns of their portion, and being thereafter married; her husband and she giving a bond, obliging them, and the longest liver of them, to pay a sum to the bairns; that second husband deceasing, the bairns will get action against the said wife, upon the said bond, albeit made *stante matrimonio*, because it is for that debt which was her's before her marriage.

Fol. Dic. v. 1. p. 399. Haddington, MS. No 1731.