

No 135. 1677. February 14. DUKE OF BUCCLEUCH *against* EARL OF TWEEDDALE.
 LEGITIM is never presumed to be passed from, unless expressly discharged.
Fol. Dic. v. 2 p. 143. Stair.

* * * This case is No 8. p. 2369. *voce* COLLATION.

No 136. 1726. January 18. NISBETS *against* NISBET.
 PROVISIONS to children in their father's contract of marriage not imputable in the legitim, because the legitim is no such debt as to make the maxim applicable, *debitor non præsimitur donare*; besides that the *pietas paterna* is the more prevailing presumption.

Fol. Dic. v. 2. p. 143. Rem. Dec.

* * * This case is No 23. p. 8181. *voce* LEGITIM.

No 137. 1720. December. GRAHAM *against* LADY BALMAIN.
 A RIGHT to money and other moveables, made by a husband to his wife, is not presumed imputable in her legal third.

Fol. Dic. v. 2. p. 143. Rem. Dec.

* * * This case is adjected to the above case of Nisbets against Nisbet.

No 138. 1742. February 9. CREDITORS OF MITCHELL *against* WARDEN.

A WIFE, by her contract of marriage, being entitled to a certain sum, her husband purchased an old house, and took a disposition to himself and wife, and the longest liver, in conjunct-fee and liferent. Thereafter he built a new house in the place of the old one. After his death, in a question between his creditors and his relict, she was found entitled to the rent of the new house, to the extent of her provision in the contract of marriage.

Fol. Dic. v. 4. p. 123. C. Home.

* * * This case is No 38. p. 8275. *voce* LIFERENTER.