

of the marriage; but the Lords found that the said son having succeeded to his father by disposition to his land estate, his share of the sums in the contract is satisfied and extinguished; and were of the same opinion though there had been no disposition, for they still looked upon it as a succession upon the children of the marriage;—but I think this was reversed in Parliament. (See NOTES.) (See DICT. No. 152. p. 11472.)

No. 15.

1740. June 11.

JOHNSTON and CAPTAIN NAPIER, Her Husband, *against* JOHNSTON,  
LADY LOGAN.

No. 16.

A BROTHER giving a gratuitous additional pension of 7000 merks to a sister who had already a competent one of 8000 merks, payable the first term after her marriage, but to return in case of her death without children existing at the time of her death, she assigned both provisions to her husband in the contract of marriage, who pursued for payment. In respect that from the circumstances, it appeared that the brother intended that the additional sum should return in case of no children, notwithstanding his sister's marriage, and that it should not be disappointed by her marriage, found the clause of return effectual notwithstanding the contract, and that her husband and assignee should on payment find caution to repeat upon the conditions existing.

1740. November 6.

JACK *against* HOOD.

No. 17.

A FATHER became bound in his son's contract of marriage to pay his son a sum of money, and the wife to pay him her tocher, and the son bound to employ a certain sum for the uses therein mentioned, after which the father died, and after him the son within year and day of the marriage, and without making up titles to his father's means;—but he made over his father's obligation for the 2000 merks to his wife. The Lords found that the dissolution of the marriage within year and day voided the contract not only as to the two spouses; but likewise as to the father's obligation as to the son, and found the son's assignation to his wife ineffectual, 6th November 1739. But this altered;—*quod vide*, with the prints and observations on them. (See NOTES.) (See DICT. No. 383. p. 6175.)