

No. 9.

own heirs and assignees, with certain powers and faculties over this last mentioned subject to the wife, in case there were no heirs of the marriage. She died before the rebellion, and he being now forfeited, his son claimed the whole, either in his own right, or as heir to his mother, and insisted that the land-estate flowing from her, she remained fiar by the contract ; but we dismissed the claim as to both branches of it.

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1750. July 18.

CREDITORS of ROBERT ROBERTSON, *Competing, i. e.* MARGARET SIMPSON *against* WALTER WORDIE.

No. 10.

By a postnuptial contract of marriage, the two fathers of the bridegroom and bride disposed their respective small heritages to them. The husband's father's estate was provided to the two spouses in conjunct fee and life-rent, and the bairns of the marriage in fee, whom failing, to the husband's heirs ; and the bride's father's also to the two spouses in conjunct fee and life-rent, and to the bairns of the marriage in fee, whom failing, to the bride's heirs ; and as he had another daughter, he took a bond from the two spouses for L.50 sterling, as I suppose, as the half of the computed value of his heritage ; and the two fathers gave the two spouses 4000 merks more. In a sale of the husband's estate, the wife was found to be fiar of the subjects conveyed by her father, which were thereby ordered to be struck out of the sale ; and the separate tocher in money had some influence in the decision. (See DICT. No. 12. p. 4207.)

See NOTES.