

N.B. There was no question put, though there seemed a considerable difference in opinion. The generality of the interlocutor was left to be explained, in case the nature of the farm should be totally changed.

---

1775. December 20. JAMES SKINNER *against* WILLIAM and ANN SKINNER.

LEGITIM.

A son who had received a sum in his father's lifetime, found obliged to collate it.

[*Fac. Coll. VII. 158; Dictionary, 8172.*]

COALSTON. Mr Erskine lays down the rules as to collation. This sum was not for education, or an inconsiderable present. I have a good deal of difficulty as to the second point, which is an annuity given by the father, payable to the family of the child.

GARDENSTON. Here was a deed *inter vivos*, and which took effect in the father's lifetime.

HAILES. The L.100 were given by Mr Skinner to his son, not as a stock for setting up in any trade, but merely to equip him, and pay the expense of his passage to the East Indies. I think that this can no more be collated than the money which Mr Skinner certainly gave to his other son, when he equipped him as an officer to the army at the Havannah.

ALEMORE. There is no opportunity here of applying general principles; if there was any thing like a cover used, the rules as to collation might apply. If any thing can be charity, there was an act of charity in the present case, merely to keep his son's wife off the parish: the son can have no benefit from it, for it ceases as soon as he comes home.

COVINGTON. The annuity goes to the wife, and is no provision to the son. As to the first point, though the bond is not payable till the father's death, yet it bears interest, and it is the same thing as if he had borrowed money and given it to the son.

KAIMES. As to the first point, if a man give L.100 to his son, in order to his carrying on business, this may be considered as anticipation, which will impute to the legitim; but that is not the case here: we are able to trace the whole progress of the affair. There was a private bargain between Mr Skinner and his son-in-law; but the fact is, that Mr Skinner gave the money to his son for defraying the expenses of his voyage.

On the 20th December 1775, "The Lords found that the L.100 must be collated, but not the annuity;" altering Lord Elliock's interlocutor as to the *first* point,—adhering as to the *second*.

*Act.* John Scott. *Alt.* A. Crosbie.

*Diss.* as to the L.100, Kaimes, Hailes.