

medal that had been gifted to her by his father *intuitu matrimonii*, the marriage having followed; albeit it dissolved within year and day by the husband's death. Here was *lis de paupere regno*.

No 386.

Fol. Dic. v. 1. p. 414. Forbes, p. 440.

S E C T. IV.

The birth of a live Child saves the right of the Husband.

1612. Jan. 12.

OGILVIE against RIDDOCH.

IN an action of ejection and spuilzie, pursued by Mrs Catherine Ogilvy, relict of John Riddoch, against William Riddoch, her good father, for ejecting her, after her husband's decease, out of the lands of Mulliegan and Schiells, wherein she was infeft in conjunct fee and for spulziation of the goods, this exception was repelled, that her infeftment could give no action, because her husband died within year and day, in respect of her reply, that the time of this ejection she was with child, six months gane, of which child she parted four months thereafter, and sae her infeftment was in.

No 387.

Fol. Dic. v. 1. p. 415. Kerse MS. fol. 64.

* ** Haddington reports the same case.

Jan. 28. THE husband being slain within the year after his marriage, and his wife being in conjunct possession with him of the lands which were, by their contract of marriage, to be her conjunct fee, if, after the husband's decease, his nearest friends dispossess the relict against her will, she will get action of ejection against them, especially if she be with bairn, albeit she bear it not quick.

Haddington MS. No 2369.

1632. July 20.

IRVIN contra ROBERTSON.

By contract of marriage betwixt one Irvin and Robertson, ——— Irvin, brother to his sister then contracted to be married on Robertson, is obliged to pay to the said Robertson, in name of tocher, the sum of 2000 merks; and they being married, after procreation of a bairn, who died before the parents, but within the space of a year after the marriage; and a space before the expiring of

No 388.

Marriage having dissolved within year and day, and a living child being born, which died within