

tion and improbation, against the Earl of Roxburgh, of rights of some lands annexed to the parsonage of Leslie,—the Earl raised reduction of that certification upon this ground, That he was minor; and his tutors and curators had not recovered his writs after his father's sudden death. The Lords, before answer, ordained the Earl to condescend upon the writs he would make use of in the reduction, and debate upon them; and declared, That if he was found to have the preferable right, the Lords would recal or reduce the certification.

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1688. *February.* ABDEN and MR DAVID DEWAR *against* PITTREVVY.

IN a reduction, at the instance of Abden against Pittrevy, of a disposition granted to the defender's father by the pursuer, upon this reason, That the pursuer, a facile youth, had signed it immediately after his majority, as it was sent up to him at London, of design to exclude his succession, by an ill wife he had married, who is now dead without issue,—and the pursuer hath now hopeful children by a virtuous second wife: Again, himself is enormly lesed by the disposition, whereby he hath only reserved a liferent of 3000 merks; and he is willing to allow to the defender all money paid or advanced to or for the pursuer. Answered for the defender, That the pursuer had homologated the disposition, by receiving the annuity of 3000 merks, and granting discharges relative thereto. 2. By a new contract at Dumfermling, the pursuer, who is major, *sciens et prudens*, hath, with advice of his friends, disposed his estate to the defender's father. Replied, By interlocutor of the Lords of Session, the pursuer was allowed to receive the annuity without danger of homologation. 2. The contract at Dumfermling was entered into by the pursuer out of mere necessity, the defender's father having refused to pay him the annuity; and his creditors having forced him to the abbey, therefore the foresaid disposition ought to be reduced upon this material ground of lesion; as was decided 22d February 1688, betwixt Gray of Crichy and the Earl of Lauderdale. The Lords assoilyied from the reduction,—*February* 1688. But this interlocutor was stopped by an after allegiance, that the contract at Dumfermling was entered into upon trust.

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1688. *February.* The PROCURATOR-FISCAL of PEEBLES *against* GEORGE RUTHERFOORD of FAIRINGTON.

FOUND that a wife may, in *liege poustie*, without an onerous cause, dispone to her husband, or his son, *stante matrimonio*, any interest she would have in her husband's goods by her death, and that such a right needed not to be confirmed, though it was *omnium bonorum*, and not intimated, seeing it could not properly be intimated; and the making mention of it in the son's contract of marriage, took off the suspicion of latency. *Vide* No. 473, [Procurator-Fiscal of Peebles against the Laird of Fairingtoun, February 1687.]

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