

carried to sustain the claim 19th January 1754; and we adhered, when our new President Craigie and Lord Auchinleck were with us; but it was chiefly in consideration of the smallness of the sum which removed all suspicion of deceit; but we seemed (almost all) to agree, that had it been a large sum, we would have thought the proof insufficient.

No. 25.

See NOTES.

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*FORISFAMILIATION.*

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1737. November 18. JEAN BEGG *against* JEAN LAPRAICK.

No. 1.

ACCEPTING a tocher in a contract of marriage in satisfaction of portion natural and bairn's part of gear, without mention of dead's part, executry, or moveables, does not exclude the child accepting from her share of the dead's part, as nearest of kin, equally with her brothers and sisters *in familia*; and she is not bound to collate her tocher. See this Case, *voce LEGITIM*; also Campbell against Lady Inverleven, 21st July 1738, *IBIDEM*.

See NOTES.