

2*d*, The evidence adduced on the part of the trustees by no means proves that Richard Dick was foolish, idle, or extravagant; but that all the distresses in which he has been involved, have arisen from the harsh usage of the father.

Answered for the trustees; 1*st*, The proof does completely establish the folly and extravagance of Richard Dick.

2*d*, But even without any proof of misbehaviour on the part of Richard, the father's powers were sufficient to enable him to execute the settlement which is now endeavoured to be reduced. Provisions of this kind in contracts of marriage do not tie up the father's hands,—Erskine B. 3. T. 8. § 40. Even in the case of special provisions of lands or sums of money, it has always been considered that the father's powers are ample, if nothing arbitrary or fraudulent is done, so as entirely to alter the line of succession, and defeat the provision; but much more ought this to be in the father's power where the provision is indefinite, as in the present case.

The Court (20th December 1776,) pronounced an interlocutor sustaining the defences against the reduction.

Lord Reporter, *Gardenstone.*

Act. *Blair.*

Alt. *Ilay Campbell.*

*J. W.*

\* \* \* See *Cunningham against Cunningham*, 9th July 1776, APPENDIX, PART I. *voce* CLAUSE, No. 1.

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1792. February 2. MACKENZIE'S CREDITORS *against* his CHILDREN.

This case, (No. 66. p. 12924.) was appealed. The House of Lords ORDERED and ADJUDGED, that the appeal be dismissed, and the interlocutors complained of be affirmed.

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1801. January 28. ALEXANDER WATSON, *against* JOHN PYOT.

ALEXANDER WATSON, with consent of his father, in his marriage-contract with Mrs. Jane Fulertown, became bound to resign the estate of Turin to himself and the heirs-male to be procreated betwixt him and the said Jane Fulertown; which failing, to the heirs-male of the said Alexander Watson's body of any subsequent marriage; which failing, to the heirs-male to be procreated betwixt him and the said Jane Fulertown; which failing, to the heirs-male of the said Alexander Watson's body of any subsequent marriage; which failing, to the said Alexander Watson, his heirs and assignees whatsoever; the eldest heir-female succeeding always without division.

No. 2.

No. 8.

No 4.

Where an estate was, provided in a marriage-contract to the father, and the heirs-male of the marriage, an absolute conveyance of a considerable part of it,