

No 376.

" THE LORDS found, that the disposition in favour of Alexander Cuming, and Anna Garden, his spouse, and longer liver of them, for her life-entire use alienarily, in so far as it provides the life-entire of the subjects therein mentioned to the said Anna Garden, became void by the dissolution of the marriage between the said Alexander Cuming and Anna Garden, by the death of the husband within year and day of their marriage, without a living child having existed thereof."

Reporter, Hailes.

Act. Buchan Hepburn.

Alt. Russel.

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Eol. Dic. v. 3. p. 289. Fac. Col. No 28. p. 50.

S E C T. II.

Rights flowing from third parties in contemplation of the marriage.

1562. January 30.

ROBESON against JACKSON.

No 377.

TAK and assedatioun set to ane man and a woman as his future spouse, for all the dayis of ather of thair lifetimes, be vertue, and in contemplatioun of marriage to be solemnizat betwix thame, and thairefter the man deceis befor the completing of the said marriage; the woman may crave na richt nor titill to the said tak, nor alledge the samin to pertene to hir induring hir lifetime, albeit scho be in possessioun be vertue thair of befor his deceis quha sould have bene hir husband.

Eol. Dic. v. 1. p. 413. Balfour, (ASSEDATION.) No 5. p. 201.

1606. February 6.

LAIRD COVINGTON against VEITCH.

No 378.

A person granted to his sister a bond of provision, bearing love and favour, and in satisfaction of her bairn's part of gear, payable the first term after her marriage. She leaving

THE Laird of Covington pursued William Veitch, son to umquhile Patrick, to hear and see him decerned to refund and pay back to him the sum of L. 1000 which he received in name of tocher with the said Covington's sister, whom William Veitch married, conform to his contract of marriage and acquittance given thereupon, because his said wife died within year and day. It was *alleged* by the defender, That the summons was not relevant, because albeit *in dote profectitia*, the father, of the law, has repetition of the tocher, his daughter dying within year and day; yet, *secundum L. 4. C. soluto matrimonio quemadmodum dos petatur*, that has not place *in dote adventitia*, which the woman obtains by other