

DECISIONS

OF THE

LORDS OF COUNCIL AND SESSION,

REPORTED BY

SIR ROGER HOG OF HARCARSE.

— *against* —.

ONE having disposed his goods to his niece, providing she would marry with consent of two friends named in the disposition; and, that if she married without their consent, the right should go to another: it fell out that she married without consent of these friends, upon which the disposition in her favours was craved to be annulled. Answered, That she endeavoured to carry the friend's consent to her marriage; but they unreasonably refused to approve of her choice, which was rational, though they could make no objection against the man's person or fortune: and, if an uncontrolled power to dissent, without giving a reason, should be allowed to such trustees, they would always force the parties to a composition. The Lords found it relevant to annul the disposition, that the receiver married without consent of the person therein-mentioned; but found the answer also relevant to elide the irritancy, that she required the persons, by whose advice she was appointed to marry, to give their consent, and they refused to give a reason for their dissent.

Page 26, No. 130.