

"THE LORDS found, That the pursuer, in virtue of the decret 1729, is entitled to the sum of L. 1000 Scots, as a part of the portion of 10,000 merks provided to her sister Elisabeth, by their father's contract of marriage, for which Elisabeth adjudged his estate in the year 1726; and that the pursuer is entitled to insist for a decret of mails and duties against the said tenements, for such part of the accumulated sums contained in the adjudication, as shall appear to arise from the said L. 1000 Scots, and interest thereof adjudged for; and decerned in the mails and duties accordingly."

No 99.

Act. *Ja. Fergusson, jun.*Alt. *Lockhart.*

G. F.

Fac. Col. No 35. p. 258.

1788. November 19.

OMEY against MACLARTY.

No 100.

CRAWFORD settled L. 600 on his grandson Omev, declaring that the interest should be paid from the grantor's decease till the grantee's marriage or majority; at which period the principal sum was to be paid. Omev having died before his majority unmarried, his next of kin claimed the money. THE LORDS found, That the provision lapsed by his death, and did not transmit to his heirs.

*Fol. Dic. v. 4. p. 185. Fac. Col.**.* This case is No 9. p. 6340. *voce* IMPLIED CONDITION.

S E C T. XIII.

What understood to be sufficient implement.

1626. November 29. SCOT and his Father against L. GALLASHIELS.

In the foresaid suspension at the instance of ——— Scot, son to the Laird Harden, and of the Goodman of Harden his father, against the Goodman of Gallashiels, who had charged Harden to employ upon land to his said son and his spouse in conjunct fee, who was Gallashiels' daughter, the sum of L. 10,000, conform to a contract of marriage betwixt the said parties, whereby Harden was obliged to pay the said sum to his said son, to be employed in manner foresaid by the sight of Gallashiels; Harden being charged to employ to the use of the longest liver of them two, as said is, produces a discharge, upon the

No 101.

Effect given to a charge to employ money for children, in terms of a contract of marriage.