

decerned, and declared accordingly : But repelled the reasons of reduction and defences against the bond granted to Mary Burton Hamilton ; and decerned."

No 22.

Act. *Ilay Campbell.*Alt. *Lackhart, Crosbie.*

G. F.

*Fol. Dic. v. 4. p. 26. Fac. Coll. No 11. p. 218.*


---



---

S E C T. VI.

*Pactum contra Fidem Tabularum Nuptialium.*1577. *January.*TURNBULL *against* HEPBURN.

No 23.

THERE was one Turnbull, a young man, who, by the advice of his friends, and being interdicted, contracted himself in bond of matrimony with a young woman called Hepburn. The young man thereafter being otherways pursued, refused to fulfil the bond of matrimony with the said woman ; yet had he before, by reason of his ardent love that he had to the woman, given an acquittance of 400 merks, granted to have received the same, in name of tocher good. He thereafter desired to see his acquittance decerned to have no effect, because non secutum fuit matrimonium, et non secuto matrimonio stipulatio dotis evanescit.—THE LORDS decerned it to be referred to the party's oath, if there was any real enumeration of silver made, otherwise the acquittance to be of no avail.

*Fol. Dic. v. 2. p. 22. Colvil, MS. p. 262.*1633. *December.*HEPBURN *against* SETON.

No 24.

SOME part of the things prestable on the bridegroom's father's side, viz. to possess his son in a certain number of chalders of victual, being remitted by the bridegroom himself on the very day of the contract, by a private transaction between his father and him ; this was found contra bonos mores et fidem tabularum nuptialium ; and, therefore, declared null.

1634. *January 15.*—BUT the son, long after the marriage, having voluntarily come to his father, and promised to adhere to the former bargain ; the