

1625. July 13. WILLIAM GRAY *against* WILLIAM ~~————~~.

No 103.

THE LORDS found, That an universal successor *post contractum debitum* is obliged *in solidum* for the debts contracted before, and may not renounce; the LORDS disposed to him to liberate himself.

Found the contrary, Mr David Curtie *against* John Weems, No 120. p. 9790.  
*Kerse, MS. fol. 142.*

1628. July 8. DUNBAR *against* LESLIE.

No 104.

THE LORDS found, That a charter granted to an heir of the lands of which his father was heritor before, the said charter flowing from no deed done by the father to the son, but proceeding upon another party's resignation in favour of the son, having no dependence or relation to the father's right, made not the son to be lucrative successor to the father in these lands.

*Fol. Dic. v. 2. p. 35. Durie.*

\*\*\* This case is No 15. p. 5392, *voce* HEIRSHIP MOVEABLES.

1634. February 14. ORR *against* WATSON.

No 105.

By contract of marriage betwixt Peter Orr and Elizabeth Watson, John Watson, father to the said Elizabeth, is obliged to pay a sum in tocher with her to the said Peter Orr. Janet Orr, daughter of this marriage, being executrix confirmed to the said Peter, pursues the said Elizabeth, her own mother, as successor to the said John Watson, her father, *post contractum debitum*, to pay the said sum to the pursuer; for after the contract of marriage, the said John Watson, who was obliged in the tocher, having no bairns but this Elizabeth Watson, who was defender, and other two daughters who were begotten by him of a prior marriage, whereof the one compeared in this process, and renounced to be heir to her father, and the other daughter was dead, leaving some bairns behind her, who were not convened to pay, but were beggars, and had nothing by their father, the said John Watson having disposed all his means, lands, and goods, to this daughter begotten in the second marriage; and she being convened to pay solely, as successor to her father, as said is, *post contractum debitum*; it being questioned if she could be craved to be decerned *in solidum* for the whole debt, seeing there were other two sisters who might be *co-hæredes*, and who ought to be decerned for their parts, and therefore that this defender could not be decerned as liable for the whole *in solidum*; for

One of three heirs portioners by accepting a gratuitous disposition from her father, of his whole estate exclusive of her other two sisters, was found liable *in solidum* for her father's debts without necessity of discussing the other sisters. But action of relief was reserved to her against the other two sisters who, she alleged, had got provisions from their father equivalent to the estate disposed to the defender.