disposition was equal and rational and not reducible on minority and lesion, and proposed to add that to the interlocutor, (and Drummore was of the same opinion) for I thought that if that contract could be reduced, and thereby the acceptance of the death-bed disposition set aside, that reduction would be competent to the heir at law upon the head of death-bed.

No. 14. 1742, June 24. URQUHART *against* URQUHARTS.

THIS disposition was reduced *ex capite lecti, renitente* President, who thought that death-bed was not proved, because though the granter was sick at the time, yet it is not proved that he was sick of the disease of which he died, that is a suppression of urine, and thereafter a palsy; but my greatest difficulty was as to the wife's defence founded on the decision 23d February 1665, Jack against Pollock, (DICT. No. 36. p. 3213.) to which it was answered, that the marriage here dissolved within year and day, and therefore a conventional provision would fall—and the Lords repelled the defence with respect to that answer.

No. 15. 1743, Jan. 4. JAMES WOOD *against* NORRIE.

THE question was, Whether promissory-notes granted in Ireland which were already found valid though not holograph are probative of their dates so as to affect heritage in Scotland, notwithstanding the law of death-bed, notwithstanding it would not affect heirs in Ireland. Arniston thought that it would overturn the law of death-bed, and 2dly, that in England they have no regard to deeds in Scotland for affecting their estates without seal;—and the Lords by majority found they do not prove their date against the heir.—*Renit.* President, Kilkerran, Balmerino, Murkle, *et me.*—22d June 1744 Adhered, when I did not vote.

No. 16. 1743, Nov. 23. JANET SOMMERVELL *against* MARION GEDDIE.

THIS was a question of death-bed—and turned upon, Whether a woman whose deed is quarrelled was fiar, or only liferenter with a substitution to her heirs and a faculty to her to dispone? The conception of the three deeds was very singular, and I keep the papers partly for that reason. Arniston had found that the woman was not fiar, but the * adhere *multum renitente* President, but without a vote.

No. 17. 1744, Nov. 2. JOHN LESLY *against* ROBERT CLEUGH.

A MAN on death-bed disponed to his eldest son and heirs of his body, which failing to his second son's children. After his death his eldest son accepted and ratified his father's disposition, but then he happened also to be on death-bed;—and after his death the second son raises reduction of both on the head of death-bed. Kilkerran found the reduction not competent at the pursuer's instance. We agreed that the pursuer not being heir or apparent-heir to his brother in this subject, he could not quarrel his ratification, and consequently could not quarrel the father's disposition,—though if he could reduce he would be heir to his father in the subject,—and therefore we adhered. Arniston went far-

* There is a word here in the manuscript not easily read.