

1745. *July 16.*CREDITORS of MR HUGH MURRAY *against* MISS MURRAY.

No. 15.

BY Mr Murray's postnuptial contract of marriage with Hugh Sommervill's daughter in 1739, the daughters of the marriage, if there were no sons, were provided, if only one to L.2000 sterling, payable at marriage or majority, besides their hope of succession in the estate of Melgund, when devolved to Mr Murray; and they were also provided to the succession of his own estate, failing heirs of his body, and his wife provided to L200 annuity. On the other hand, Mr Sommervill gave Mr Murray of tocher L2000 sterling, whereof L.1000 in hand, and the other payable at his death, and provided L.1000 more to Mrs Murray in liferent, and the children in fee, payable at his death, besides her equal share of his succession at his death. Mr Murray's creditors quarrelled this provision of L2000 as in *fraudem creditorum*; and alleged that Mr Murray was then insolvent. The Lords first found the reasons of reduction not relevant, but afterwards sustained the reasons of reduction, if it should appear that Mr Murray was insolvent at the date of the contract. *Vide inter eosdem voce* MUTUAL CONTRACT.—EXECUTOR.—*JUS QUÆSITUM TERTIO.*

1747. *June 5.*CREDITORS of CORDINERS of CANONGATE *against* THOMAS GRANT.

No. 16

A DISPOSITION in favour of the granter's whole creditors *pari passu*, if it be not reducible on the acts 1621 or 1696, cannot be reduced on the common law, the effect of such reduction being only to bring in the creditors omitted *pari passu.*

1747. *December 9.* WILLIAM TAYLOR *against* LORD BRACO.

No. 17.

A DISPOSITION by an apparent heir within year and day of his predecessor's death, contrary to 24th act 1681, was found void and null at the instance of a creditor of the predecessor's, though he had not done any diligence within the three years, (unanimously) agreeably to a precedent in Harcarse, subjoined to D. 144.* (See DICT. No. 8. p. 3128.)

* See Note from Castlehill's practicks, subjoined to the case Laird of Arniston *against* Lord Ballenden, March 1686, DICT. App. II. *voce* HEIR-APPARENT.