1742. *November* 3. WHITEFORD *against* AYTON.

No. 12.

LEGACY or donation *mortis causa* by a person dying (though he lived near a year after) to his landlord in whose house he died, of his gold watch and chain, by delivering them to him and his wearing them in the defunct's life, not allowed to be proven by witnesses to take away a former donation *mortis causa* of it in writing by a missive letter. (See DICT. No. 25. p. 8072.)

1744. *November* 10. MITCHELL *against* PINKERTON.

No. 13.

LEGACY nuncupative actually left in proper words, would be valid for L100, though the defunct afterwards ordered it to be put in writing, and died before that was done; but if no more be expressed but an intention to leave a legacy, or an order to put it in writing, it will not be effectual.

1745. *February* 19. MR FRANCIS KERR *against* JOHN YOUNG.

No. 14.

WE found a provision in a contract of marriage to a wife of a certain part of household furniture and other moveable goods, that should be in the husband's possession, or in common between them, entitled her to that share of all *corpora*, but not to *nomina debitorum* or current coin.

1748. *June* 22. CATTO *against* GORDON.

No 15.

ONE in his testament legated 400 merks out of the money that shall arise out of his houses and feu in Ellon, and on certain conditions and restrictions he constituted the persons named, his executors and universal legatees in all and whole his stock and furniture. These houses and the feu never were sold, and belonged not to the executors; yet the legacy was found due, if there was so much free executry. (See DICT. No. 28. p. 8076.)