

that, the defunct died intestate, and therefore it divided betwixt the brother and sister, so that the sister had one half *ex testamento*, and a fourth by the legal succession;—*dissent*. Alemore, and three or four more, who thought that the testament should be set aside altogether.

This altered, the 11th *August*.—But the Lords altered again, and returned, almost unanimously, to the first interlocutor.

1763. *November 29.*      *PARK against* \_\_\_\_\_.

A BARGAIN about a house was concluded in this manner:—Two persons made an offer of a sum of money for a house in a missive letter wrote by one of them, and the offer was accepted by the seller, not holograph of him, but written by the buyer, who wrote the first, and attested by two persons not designed, but the subscription was acknowledged.

In a pursuit, at the instance of the buyers, for implement of the bargain, the Lords found, that a bargain concerning an heritable subject could only be finally concluded by a formal writing, that is, a writing, either holograph or according to the requisites of the Act of Parliament 1681; and that a party's acknowledging his subscription only proved the fact of the bargain, but did not make the writing solemn, and could signify no more than a party's acknowledgment of his subscription to a bond prescribed, or null upon the Act 1681. In such cases the debt may be acknowledged, as when a man pays interest upon a null bond, and such acknowledgment will, no doubt, make the debt effectual; but no acknowledgment can authenticate a null writing. This carried only by one vote, and the decisions had varied a little.

1763. *November 31.*      *ALLAN against* ALLAN.

IN this case the Lords unanimously found, that a child having discharged his *legitim*, in consequence of a provision given him, the father cannot, by a deed *mortis causa*, repon him against this discharge in prejudice of his other children.

See, upon this point, a learned paper of Mr Ferguson's.

1763. *December 16.*      *GIBB against* LIVINGSTON.

IN this case the Lords determined that a reduction, upon the Act of Parliament 1621, is competent against the creditor-adjudger of the confident person as well as the confident person himself; and Lord Auchinleck said, it was decided in the 1755, January 28, in the case of one *Neilson*, that a reduction of a sale of land,