

D E C I S I O N S
OF THE
LORDS OF COUNCIL AND SESSION,
REPORTED BY
ALEXANDER HOME, CLERK OF SESSION.

1736. *January 15.* ——— *against* ———

OF this date, I find it marked in the day-book of interlocutors, that Lord Killerran reported the following objection to a bill, to wit, that it was addressed to two persons, the one as principal, the other as cautioner. The cautioner was charged, and made the objection.

The Lords found a cautionary obligation could not be constituted by a writing in form of a bill; and therefore found the bill null as to the cautioner.

N.B. Both had accepted simply.

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1736. *February 13.* JANET and MARY LOWIS, *against* JAMES LAURIE.

THE deceased William Laurie, tenant in Eastown of Dumsyrie, by his testament, nominated the said James Laurie (his brother) his executor and universal legator, with the burden of certain legacies; particularly, he left 2000 merks to his nephew, Robert Laurie, payable at his majority; and, in respect he was then a pupil, the testator appointed his executor to be tutor and curator to him; after which, the following clause is added: "And, notwithstanding of the legacy left by me to him, I hereby ordain the same to return back to my said executor and