

1752. *December 7.* ——— *against* ———.

[*Fac. Col. No. 43.*]

THE Lords found the subscription of a marginal note not attested : nevertheless they sustained the rest of the deed, and found that the user of the deed could not except against the marginal note ; and so could not approbate the deed in part and reprobate it in part. *Dissent.* Drummore, who thought the deed should have been wholly annulled.

1752. *December 22.* SIR PATRICK MURRAY *against* ———.

[*Fac. Col. No. 52.*]

A MAN having granted a bond of provision of L.300 to his niece, payable at the first term after her marriage, and after his death, did afterwards, when his niece was married, make a settlement upon her and her children of L.1200, but without revoking the former provision of L.300 :—The question was, Whether both were due? And the Lords found that only the last was due. *Dissent.* Kaimes and Justice-Clerk. Lord Elchies thought that the niece had no claim in strict law to the first L.300, as it was payable only in the event of her marriage, being after the death of the granter ; and he thought she had no claim in equity, in respect of the last provision of L.1200 ; but the other Lords founded their opinion on the circumstances of the case, from whence they inferred a presumption that the granter did not intend she should have both provisions.

1752. *December 23.* DUKE of DOUGLASS *against* CREDITORS of LADY JEAN DOUGLASS.

[*Fac. Col. No. 66.*]

THE said Duke, in the year 1736, bound himself and his heirs to pay to his sister, Lady Jean, at a certain term, the sum of 30,000 merks, with interest yearly, but with an express power of revocation whenever he should think fit : he also granted her a yearly annuity of L.161 during his pleasure, and this grant also is declared revocable : thereafter Lady Jean contracted sundry debts and assigned to her creditors for their security the annuity and bond foresaid. The Duke having revoked both the bond and annuity, the question came betwixt him and the foresaid creditors concerning the bygone interests of the bond, and also the bygone annuities before the revocation. And with respect to the first,