

prepared to verify his objections instanter; and it was contrary to law, to demand terms for proving.

After hearing counsel,

It was ordered and adjudged that the interlocutors therein complained of, be and the same are hereby reversed; and that the defender be assoilzed.

For the Appellant, *Mr Thomson, John Leach, William Erskine.*

For the Respondent, *Sir Saml. Romilly, John Clerk, James Moncreiff.*

NOTE.—Unreported in the Court of Session.

1818.

THOMSON
v.
SOMMERVILLE.

JOHN RUTHERFOORD, Esq., *Appellant;*

1818.

Dr WM. SOMMERVILLE, Deputy Inspector of
Army Hospitals, *Respondent.*

RUTHERFOORD
v.
SOMMERVILLE.

House of Lords, 8th June 1818.

This was the separate appeal, alluded to in the preceding case, taken by the other defender, John Rutherford; but as it arose out of the same circumstances, and the same action and judgment pronounced in the Court below, it is unnecessary to detail these here.

After hearing counsel,

It was ordered and adjudged, that the interlocutors complained of be, and the same are hereby reversed, and that the defender be assoilzed.

For the Appellant, *Geo. Gos. Bell, Geo. Cranstoun.*

For the Respondent, *Sir Saml. Romilly, John Clerk, James Moncreiff, Henry Cockburn.*

NOTE.—Unreported in the Court of Session.

JAMES OCHTERLONY LOCKHART MURE,
Esq. of Livingstone, a Minor, and Mrs
HENRIETTA MORRES, his sole Curatrix, } *Appellants;*

1818.

MURE, &C.,
v.
MURE, &C.

JOHN RAE MURE and Mrs MARION LOCK-
HART, Spouse of John Smith, residing at
Gatehouse of Fleet, the son and daughter
of Mrs Jean Mure, late of Livingstone, } *Respondents.*

House of Lords, 9th June 1818.

DEATHBED—CANCELLED DEED.—Power was given by an entail