

*vivos*, of all free goods he should have, the time of his decease, implied the burden of his debts; and that the clause, *the time of his decease*, did not make it *donatio mortis causa*.

Page 31, No. 146.

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1687. *February*. The LAIRD of DUNDAS and CRAMOND *against* GEORGE DUNDAS.

THE Lords ordained a wadsetter to assign his wadset to a purchaser of the land and reversion, seeing he could condescend on a prejudice he was to sustain thereby.

Page 59, No. 249.

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1687. *February*. CHARLES CHARTERS *against* ANDREW BARRY.

FOUND that a third appriser, within year and day of the second, and not of the first effectual apprising, could not come *in pari passu* with them.

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1687. *February*. GEORGE GELLAN *against* DAVID CORSAR.

A MAN having assigned to his father, by way of aliment, the sum in a bond formerly taken by him to his wife, in liferent, *stante matrimonio*, with whom he had made no contract;—in a competition, after his decease, betwixt his relict and father, it was alleged for the relict, That provisions, *stante matrimonio*, to wives having no contract, are not revokable as donations, marriage being an onerous cause. Answered, The husband is fiar in the bond, and might alter; 2. The bond doth not relate to the marriage, and wives have the legal provision of third and terce; and here the husband hath settled on his wife a large provision above what could have fallen to her by law; and, *in quantum* the liferent of the bond exceeds the legal provision, it is *donatio*. The Lords preferred the father during his life.

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1687. *February*. MURRAYS *against* MILLER.

A PERSON having poinded upon a decret obtained before a baron court, the defender pursued a spuilie before the sheriff of Lanark, who found the decret of the baron court null, and decerned in the spuilie; which decret of spuilie being suspended, the Lords found the sheriff, who is an inferior judge, could not