

## PRESUMPTION.

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1734. *February 8.*

THOMAS WALLACE of Cavinhill *against* ROBERT DICKIE.

A MERCHANT having transmitted to his correspondent his account-current, from which a balance arose, and afterwards a second account debiting himself with that balance, upon which a balance arose due to him, and his correspondent having afterwards sent him an account of subsequent negotiations, debiting himself with the balance of that second account, the correspondent was thereby found foreclosed from objecting to the first account, the balance whereof had been so carried forward.

No. 1.

1734. *July 12.*

LADY CARNEGY KINFAWNS *against* WILLIAM LYON and His SPOUSE.

PROVISION of the whole in case of no children, and of a third in case of children, to a wife in a contract of marriage, includes heirship as well as others. (See DICT. No. 22. p. 11,356.)

No. 2.

1735. *January 16.*

CREDITORS of DR BROWNLEE *against* STEVENSON His Relict, and  
CLELAND Her Husband.

DONATIONS *inter virum et uxorem*, though always presumed, yet the onerous cause may be astructed by such documents as the nature of the right and case will admit. (See No. 5.)

No. 3.